



# भारत का राजपत्र The Gazette of India

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No. 45] NEW DELHI, SATURDAY, NOVEMBER 11, 1995/KARTIKA 20, 1917

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(other than the Ministry of Defence)

विधि, न्याय और कंपनी कार्य मंत्रालय  
(विधि कार्य विभाग)  
(न्यायिक अनुभाग)  
सूचना

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS  
(Department of Legal Affairs)  
(Judicial Section)

नई दिल्ली, 17 अक्टूबर, 1995

### NOTICE

New Delhi, the 17th October, 1995

का. आ. 2928—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री कृष्णराव गुणवतराव मारणे एडवोकेट के उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे पुना (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

S.O. 2928.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority under Rule 4 of the said Rules, by Shri Krishnarao Glnapatrao Marne, Advocate for appointment as a Notary to practise in Poona (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[सं. 5(186)/95 न्यायिक]  
पी. सी. कण्णन, सक्षम प्राधिकारी

[No. F. 5(186)/95-Judl.]  
P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 19 अक्टूबर, 1995

नई दिल्ली, 18 अक्टूबर, 1995

का. आ. 2929—:नोटरीज नियम 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री दुष्यन्त पराशर, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे देहरादून (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (183)/95-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 18th October, 1995

S.O. 2929.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority under Rule 4 of the said Rules, by Shri Dushyant Parashar, Advocate for appointment as a Notary to practise in Dehradun (U.P.)

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F.5(183)/95-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 18 अक्टूबर, 1995

का. आ. 2930—:नोटरीज नियम 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री बलदेव कृष्ण, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे अबोहर सब डिविजन फिरोजपुर जिला (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (184)/95-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 18th October, 1995

S.O. 2930.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority under Rule 4 of the said Rules, by Shri Baldev Krishan, Advocate, for appointment as a Notary to practise in Abohar Sub-Division Distt. Ferozepur (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F.5(184)/95-Judl.]

P. C. KANNAN, Competent Authority

का. आ. 2931—:केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जो पी.आर. नामजोशी, अधिवक्ता, मुम्बई उच्च न्यायालय को दिल्ली विशेष पुलिस स्थापन की ओर से मुम्बई उच्च न्यायालय को गोवा न्यायपीठ के समक्ष मामला सं. आर सी 17 (एस) /91 मुम्बई के उद्भूत सभी बातों का संचालन करने के लिए विशेष लोक अभियोजक नियुक्त करती है।

2. यह नियुक्ति, दोनों में किसी की ओर से एक मास को लिखित में सूचना देकर समाप्त की जा सकेगी।

[फ. सं. 23 (2)/95-न्यायिक]

पी. सी. कण्णन, संयुक्त सचिव,  
और विधि सलाहकार

New Delhi, the 19th October, 1995

S.O. 2931.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure 1973 (2 of 1974), the Central Government hereby appoints Shri P. R. Namjoshi, Advocate, Bombay High Court, as Special Public Prosecutor for conducting all matters arising out of the case in RC 17(S)/91-Bombay before the Goa Bench of the Bombay High Court on behalf of Delhi Special Police Establishment.

2. The appointment shall be terminable on one month's notice in writing on either side.

[F. No. 23(2)/95-Judl.]

P. C. KANNAN, It. Secy. &amp; Legal Adviser

सूचना

नई दिल्ली, 19 अक्टूबर, 1995

का. आ. 2932—:नोटरीज नियम 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री हरीश चन्द्र त्रिपाठी, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मिबिल कोर्ट सुलतानपुर (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (185)/95-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 19th October, 1995

S.O. 2932.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority under Rule 4 of the said Rules, by Shri Harish Chandra Tripathi, Advocate for appointment as a Notary to practise in Civil Court Sultanpur (U.P.)

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F.5(185)/95-Judl.]

P. C. KANNAN, Competent Authority

## MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 6th September, 1995

S.O. 2933.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Gangadhareshwar Trust, Rishikesh" for the purpose of the said sub-clause for the assessment years 1995-96 to 1997-98 subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9855/F. No. 197/55/95-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 6 सितंबर, 1995

आयकर

का. आ. 2934.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "किर्चशियन सविस, एजेंसी, नागपुर" को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोनार्थ अधिसूचित करती है, अर्थात् :—

(1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

वित्त न बालय

(राजस्व विभाग)

नई दिल्ली, 6 सितंबर, 1995

(आयकर)

का. आ. 2933.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री गंगाधरेश्वर ट्रस्ट, ऋषिकेश को कर-निर्धारण वर्ष 1995-96 से 1997-98 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोनार्थ अधिसूचित करती है, अर्थात् :—

(1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(2) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं 9855/का. सं. 197/55/95-आयकर.नि.]

एच. के. चौधरी, अवर सचिव

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9854/फा. सं. 197/62/95-आयकर नि.]

ए. के. चौधरी, अवर सचिव

New Delhi, the 6th September, 1995

(INCOME-TAX)

S.O. 2934.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Cristian Service Agency, Nagpur" for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9854/F. No. 197/62/95-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 11 सितंबर, 1995

आयकर

का.आ. 2935.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "मालंकारा मरथोमा सीरियन चर्च ऑफ मालाबार, केरल" को कर निर्धारण वर्ष 1993-94 से 1994-95 के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती ऊपर उल्लिखित करनिर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा

तरीकों से भिन्न तरीकों से इसकी निधि (जेबर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9859/फा. सं. 197/97/95-आयकर नि.]

एच. के. चौधरी, अवर सचिव

New Delhi, the 11th September, 1995

(INCOME-TAX)

S.O. 2935.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Malankara Marthoma Syrian Church of Malabar, Kerala" for the purpose of the said sub-clause for the assessment years 1993-94 and 1994-95 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9859/F. No. 197/97/95-ITA-I]

H. K. CHOUDHARY, Under Secy.

आदेश

नई दिल्ली, 18 अक्टूबर, 1995

का.आ. 2936.—चूंकि फा. सं. 801/58/94-पिट एन डी.पी.एस. दिनांक 3 अक्टूबर, 1994 के अंतर्गत संयुक्त सचिव, भारत सरकार को स्वापक औषध तथा मनःप्रभावी पदार्थ अधिनियम-1988 के खंड 3 के उपखंड (1) के अंतर्गत अवैध व्यापार को रोकने के लिए विशेष रूप से शक्ति प्राप्त है, निवेश देते हैं कि श्री जयदीप मथूरादास धीनोजा पुत्र श्री मथूरादास धीनोजा को स्वापक औषध तथा मनःप्रभावी पदार्थों को प्रवान करने, वाहनान्तर्गत, पारानन, भंडारण छिपाने, अव-प्रेरित तथा अवैध रूप से निर्यात करने में लिप्त होने को रोकने के लिए नजरबंद किया जाए तथा उपकारागार सूरत में हिरासत में रखा जाए।

2. जबकि केन्द्रीय सरकार यह समझती है कि उपर्युक्त व्यक्ति अपने आपको छिपाने अथवा फरार होने की चेष्टा कर रहा है ताकि आदेश को क्रियान्वित न किया जा सके।

3. अतः अब उक्त अधिनियम के खंड 8 के उपखंड 1 क्लॉज (ख) में विहित शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निदेश देती है कि उपर्युक्त व्यक्ति इस आदेश के सरकारी गजट में प्रकाशित होने के 10 दिनों के भीतर सहायक निदेशक, डी.आर.आई. क्षेत्रीय एकक, गुरुपुरा भवन, सांगना सोसाइटी रांडर रोड सूरत-9 के सामने प्रस्तुत हो।

[फा. सं. 801/58/94-पिट एन डीपीएस]

बी. के. अरोड़ा, अवर सचिव

#### ORDER

New Delhi, the 18th October, 1995

S.O. 2936.—Whereas, the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Prevention of Illicit Traffic in Narcotic Drugs

and Psychotropic Substances Act, 1988 issued order F. No. 801/58/94-PITNDPS dated 3rd October, 1994 under the said sub-section directing that Shri Jaydeep Mathuradas Dhinoja S/o Shri Mathuradas Dhinoja be detained and kept in custody in the sub-Jail, Surat with a view to preventing him from engaging in procuring, transshipping, transportation, storing, concealing, abetting and illicit exporting of Narcotic drugs and Psychotropic Substances.

2. Whereas, the Central Government has reason to believe that the aforesaid person has absconded or is coealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of powers conferred by clause (b) of sub-section (1) of Section 8 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Asstt. Director, DRI, Regional Unit, Gurupura Building, Sangana Society Rander Road, Surat-9 within 10 days of the publication of this order in the official Gazette.

[F. No. 801/58/94-PITNDPS]

B. K. ARORA, Under Secy.

### पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 26 अक्टूबर, 1995

का.आ. 2937—पेट्रोलियम और खनिज पार्सलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. 171(ई) तारीख 2-3-95 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाइप लाईन बिछाने के लिए अर्जित करने का अपना आशय घोषित किया था।

अतः राक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

तत्पश्चात्, भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः अब अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

अतः इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निवेश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बजाय गैस अथॉरिटी आफ इंडिया लिमिटेड राजामुंद्री में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की तारीख से निहित होगा।

## अनुसूची

परिच्छेद 6(1) विज्ञप्ति

गैस पाइप लाइन प्रोजेक्ट यस यानम से गुडाल

जनपद	तहसील	ग्राम	मर्चे नं.	क्षेत्रफल (हेक्टर/एकड़ में)	विवरण
1	2	3	4	5	6
पूरब गोदावरी	अल्लवरम	देवगुप्ताम	142-4 भाग	0-30-50	
			143 "	0-02-00 जीपी	
			144-1बी/1 "	0-08-00	
			—1बी/2 "	0-10-00	
			140 "	0-03-00 जीपी	
			139 "	0-19-00	
			1183 "	0-03-50	
			—4 "	0-02-00	
			—2 "	0-04-00	
			—6 "	0-07-00	
			—7 "	0-10-50	
			119 "	0-06-00	
			132-4 "	0-05-00	
			131-2 "	0-11-50	
			—1 "	0-01-50	
			130 "	0-02-50 जीपी	
			122-2 "	0-26-50	
			121-2 "	0-29-00	
			123- "	0-11-00	
			75 "	0-24-00	
			74 "	0-06-00 जीपी	

1	2	3	4	5	6
पूरख गोदावरी	अल्लवरम	ताडिकोण	80-1	भाग	0-19-00
			79-2	"	0-07-50
			81-	"	0-03-00 जीपी
			98-2	"	0-00-50
			---6	"	0-02-50
			---5	"	0-02-50
			97-1	"	0-07-50
			---2	"	0-09-00
			---3	"	0-00-50
			---6	"	0-01-50
			---5	"	0-09-50
			---10	"	0-00-50
			---12	"	0-01-00
			95-2	"	0-08-50
			94-3	"	0-02-50
			93-	"	0-01-00
			92-5	"	0-23-50
			91-	"	0-03-00
			90-2बी	भाग	0-07-00
			---5बी	"	0-00-50
			---6	"	0-09-00
			88-1	"	0-12-00
			---4ए	"	0-11-00
			---4बी	"	0-01-00
			---5	"	0-01-00
			---6	"	0-00-50

1	2	3	4	5	6
पूरब गोदावरी	अल्लवरम	ताडिकोन	—7	"	0-05-50
			89-1	"	0-00-50
			38-1ए	"	0-10-50
			—2	"	0-02-00
			—5ए	"	0-08-50
			39-1	"	0-01-50
			—2	"	0-06-50
			36-1	"	0-11-50
			—2ए	"	0-08-50
			—2बी	"	0-01-50
			33-	"	0-26-50
			32-2	"	0-08-50
			—3	"	0-08-50
			31-2ई	"	0-02-00
			—4	"	0-07-50
			30-	"	0-03-00
			29-1ए	"	0-11-50
			—1सी	"	0-07-50
			—3	"	0-05-00
			28-1	"	0-07-50
			—3	"	0-09-50
			18-2	"	0-01-00
			—5	"	0-06-00
			17-7	"	0-03-00
			—8	"	0-00-50



1	2	3	4	5	6
पूरब गोदावरी	अल्लवरम	गुडाल	329-4/सी भाग	0-01-00	
			328 "	0-02-50	जीपी
			327 "	0-00-50	जीपी
			304-15 "	0-02-00	
			—14 "	0-05-50	
			—12/बी "	0-14-50	
			—12/ए "	0-05-00	
			—7 "	0-02-50	
			—4ए "	0-06-00	
			—3 "	0-04-00	
			307-3/सी "	0-06-50	
			306-1 "	0-02-50	
			308-12 "	0-05-50	
			—11 "	0-14-50	
			—9 "	0-12-50	
			—8 "	0-03-00	
			—6 "	0-03-00	
			—7 "	0-06-00	
			—1 "	0-00-50	
			297-1 "	0-10-00	
			312 "	0-01-00	
1-13-50 या 2-83					

[सं. एल-14016/18/94-जीपी]

अर्धेन्दु सेन, निदेशक

New Delhi, the 26th October, 1995

S.O. 2937.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 171(E) dated 2-3-95 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule to this appended notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

## SCHEDULE

## Gas Pipe Line Project Yanam To Gudala

District	Mandal	Village	Survey Nos.		Area (In Hect/ Acres)	Remarks
1	2	3	4	5	6	
East Godavari	Allavaram	Devagupam	142-4	Part	0-30-50	
			143	"	0-02-00	G.P.
			144-1B/1	"	0-08-00	
			-1B/2	"	0-10-00	

1	2	3	4	5	6
East Godavari	Allavaram	Devaguptam (Contd).	140	„ 0-03-00	G.P.
			139	„ 0-19-00	
			1183	„ 0-03-50	
			-4	„ 0-02-00	
			-2	„ 0-04-00	
			-6	„ 00-7-00	
			-7	„ 0-10-50	
			119	„ 0-06-00	
			132-4	„ 0-05-00	
			131-2	„ 0-11-50	
			-1	„ 0-01-50	
			130	„ 0-02-50	G.P.
			122-2	„ 0-26-50	
			121-2	„ 0-29-00	
			123	„ 0-11-00	
			75	„ 0-24-00	
			74	„ 0-06-00	G.P.
				2-22-50	OR Ac 5.50
		Tadikona	80-1	Part 0-19-00	
			79-2	„ 0-07-50	
			81	„ 0-03-00	G.P.
			98-2	„ 0-00-50	
			-6	„ 0-02-50	
			-5	„ 0-02-50	
			97-1	„ 0-07-50	
			2	„ 0-09-00	
			-3	„ 0-00-50	
			-6	„ 0-01-50	
			-5	„ 0-09-50	
			-10	„ 0-00-50	
			-12	„ 0-01-00	
			95-2	„ 0-08-50	
			94-3	„ 0-02-50	
			93-	„ 0-01-00	
			92-5	„ 0-23-50	
			91	„ 0-03-00	
			90-2B	„ 0-07-00	
			-5B	„ 0-00-50	
			-6	„ 0-09-00	
			88-1	„ 0-12-00	
			-4A	„ 0-11-00	
			-4B	„ 0-01-00	
			-5	„ 0-01-00	
			-6	„ 0-00-50	
			-7	„ 0-05-50	
			89-1	„ 0-00-50	
			Total	1-50-50	

1	2	3	4	5	6
East Godavari	Allavaram	Tadikona	38-1A	Part	0-10-50
			-2	"	0-02-00
			-5A	"	0-08-50
			39-1	"	0-01-50
			-2	"	0-06-50
			36-1	"	0-11-50
			-2A	"	0-08-50
			-2B	"	0-01-50
			33	"	0-26-50
			32-2	"	0-08-50
			-3	"	0-08-50
			31-2E	"	0-02-00
			-4	"	0-07-50
			30-	"	0-03-00
			29-1A	"	0-11-50
			1-C	"	0-07-50
			-3	"	0-05-00
			28-1	"	0-07-50
			-3	"	0-09-50
			18-2	"	0-01-00
			-5	"	0-06-00
			17-7	"	0-03-00
			-8	"	0-00-50
					1-58-00
			I Part		1-50-50
			G. Total		3-08-50
					OR Ac 7-62
East Godavari	Allavaram	Gevdala	329 4/C	Part	0-01-00
			328	"	0-02-50
			327	"	0-00-50
			304-15	"	0-02-00
			-14	"	0-05-50
			-12/B	"	0-14-50
			-12/A	"	0-05-00
			-7	"	0-07-50
			-4A	"	0-06-00
			-3	"	0-04-00
			307-3C	"	0-06-50
			306-1	"	0-02-50
			308-12	"	0-05-50
			-11	"	0-14-50
			-9	"	0-12-50
			-8	"	0-03-00
			-6	"	0-03-00
			-7	"	0-06-00
			-1	"	0-00-50
			297-1	"	0-10-00
			312	"	0-01-00
					1-13-50 OR
					Ac 2-83

नई दिल्ली, 26 अक्टूबर, 1995

का. आ. 293-8-पेट्रोलियम और खनिजपाईप लाईन (भूमि के उपयोग के अधिकार का प्रजनन) अधिनियम, 1962 (1962 का 50) धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय अधिसूचना का. आ. 170(ई) तारीख 2-3-1995 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाइप लाइन बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित किया था।

अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

तत्पश्चात्, भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः अब अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

अतः इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्वेण देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बजाय गैस अथॉरिटी आफ इंडिया लिमिटेड राजामुद्री में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की तारीख से निहित होगा।

## अनुसूची

थसयानम से गूडाल परिच्छेद 6(1) विज्ञप्ति

गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे/एकड़ में)	विवरण
1	2	3	4	5	6
पूरब गोदावरि	उप्पलगुप्तम	सूरसेल थानाम	218 भाग	0-18-00	
			217-3ए "	0-12-00	
			217-3बी "	0-18-00	
			161-1एफ "	0-13-50	
			161-2ई "	0-00-50	
			161-2एफ "	0-05-50	
			162-6 "	0-10-50	
			162-7 "	0-11-50	
			163-1बी "	0-12-00	
			163-2 "	0-11-50	
			163-5 "	0-04-50	
			163-6 "	0-09-00	
			164-1 "	0-07-50	
			164-2 "	0-33-50	
			164-9 "	0-03-00	जीपी
			120-12 "	0-02-00	
			120-7ए "	0-03-00	
			120-6 "	0-01-50	
					1-77-50

1	2	3	4	5	6
पूरब गोदावरि	उप्पलगुप्तम	सुरसेनयानाम	137 भाग	0-03-50	जीपी
			124-17/सी "	0-05-50	
			125-2/ई "	0-01-00	
			136-1 "	0-02-50	
			136-2 "	0-16-00	
			136-3 "	0-04-00	
			136-4 "	0-02-50	
			136-5 "	0-03-50	
			133-1 "	0-14-50	
			132-1 "	0-03-50	
			132-2 "	0-04-50	
			132-4 "	0-03-00	
			132-5 "	0-01-00	
			131-1 "	0-09-00	
			130-1 "	0-12-50	
			130-2ए "	0-01-00	
			130-2बी "	0-08-50	
			130-4 "	0-05-00	
				1-01-00	
				1-77-50	
				2-78-50	या एसी 6.88
पूरब गोदावरि	उप्पलगुप्तम	चल्लपल्लि	522 - भाग	0-06-50	जीपी
			504 "	0-28-50	
			505 "	0-26-50	
			506 "	0-25-00	
			507-1 "	0-05-50	
			507-2 "	0-08-50	
			508-1/ए	0-18-50	
			508-1बी	0-02-50	
			508-1सी	0-01-00	
			508-1डी "	0-05-50	
			509-1/ए "	0-02-00	
			509-1बी "	0-01-00	
			503 "	0-04-00	जीपी
			497-5ए "	0-02-50	
			496-3 "	0-07-50	
			596-4ए "	0-04-00	
			596-4बी "	0-05-00	
			495 "	0-38-00	
			491 "	0-41-00	
				2-33-00	

1	2	3	4	5	6
पूरब गोदावरि	उप्पलगुप्तम	चल्लपल्लि	478-1 भाग	0-00-50	
			479-1 "	5-21-50	
			490 "	0-04-00	
			489 "	0-16-00	
			488-2 "	0-09-00	
			480-1 "	0-02-00 जीपी	
			486- "	0-05-50	
			487 "	0-04-50 जीपी	
			586-1 "	0-03-00	
			586-2 "	0-07-50	
			586-4बी "	0-09-50	
			586-6 "	0-14-00	
			579- "	0-03-00 जीपी	
			577-9 "	0-01-00	
			576-7 "	0-03-00	
			576-8 "	0-07-50	
			576-9 "	0-11-00	
			574-1 "	0-03-50	
			574-3 "	0-07-50	
			574-4बी "	0-02-00	
				1-35-50	
पूरब गोदावरि	उप्पलगुप्तम	चल्लपल्लि	575-1 भाग	0-09-50	
			575-2 "	0-05-00	
			575-3 "	0-07-50	
			575-5 "	0-10-50	
			575-11 "	0-00-50	
			619 "	0-03-00 जीपी	
			611-1 "	0-09-00 जीपी	
			611-2 "	0-01-00	
			611-8 "	0-00-50	
			611-9 "	0-03-50	
			611-10 "	0-05-50	
			611-11 "	0-03-00	
			611-12 "	0-05-50	
			603-1 "	0-04-50	
			603-2 "	0-04-50	
			603-3 "	0-04-50	
			603-4 "	0-04-50	
			603-5 "	0-04-00	
			— "	0-00-50	
			603-6ए "	0-03-00	
			603-9 "	0-00-50	
			603-9 "	0-04-00	
			60310 "	0-03-50	
			601-2 "	0-03-00	
			601-7 "	0-25-00	
			601-8 "	0-06-00	
				1-31-50	

1	2	3	4	5	6
पूरुख गोदावरि	उत्पलगुप्तम	चलपल्लि	600-1 भाग	0-17-50	
			600-2	0-02-50	
			600-3	0-02-50	
			600-4 "	0-04-00	
			596-	0-03-00	जीपी
			593-1 "	0-34-00	
			593-2	0-03-00	
			563-3 "	0-07-50	
			592 "	0-10-00	जीपी
			2-1 "	0-29-50	
			4-1 "	0-01-00	
			1-पार्ट	0-24-50	जीपी
			13 "	0-07-50	
			14-1 "	0-14-00	
			14-3सी "	0-00-50	
			14-2ए "	0-11-50	
			608/1-3 "	0-06-00	
			508-7 "	0-06-50	
			508-10	0-05-50	
			608/2-4 "	0-04-00	
			608-5	0-03-00	
			613/2 "	0-03-00	जीपी
				2-00-50	4-96
			3 पेज	1-31-50	3-27
			2 पेज	1-35-50	3-34
			1 पेज	2-33-00	5-74
			योग	7-00-50	17-31
पूरुख गोदावरि	उत्पलगुप्तम	गोपवरम	325-1	0-01-50	
			325-2ए भाग	0-12-00	
			322-1डी/1 "	0-05-50	
			322-1सी "	0-00-50	
			322-1डी/2 "	0-06-00	
			322-1ई "	0-05-50	
			322-1डी/5 "	0-05-50	
			342-1 "	0-07-50	
			342-2 "	0-01-00	
			342-3 "	0-00-50	
			कुल डेक्ट	0-45-50 या याकर सेंलम	
				1-13	

[सं. 14016/18/94-(जी. पी.)]

अर्धेन्दु सेन, निदेशक

New Delhi, the 26th October, 1995

S.O. 2938.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 170(E) dated 2-3-95 under sub-section (1) of section 3 of the petroleum and Minerals Pipelines (Acquisition of Right of User in Land, Act 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule to this appended notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

## SCHEDULE FOR SECTION 6 - 1 NOTIFICATION

Gas Pipe Line Project S. Yanam To Gevdala

DISTRICT	MANDAL	VILLAGE	SUKVEY Nos.	MNRE AND LESS IN Hect.Acres	REMARKS
1	2	3	4	5	6
East Godavari	Uppala Iupition	S. Yanam	218	Part	0-18-00
			217-3A	Part	0-12-00
			217 3B	Part	0-18-00
			161-1F	Part	0-13-50
			„-2 E	Part	0-00-50
			„ 2F	Part	0-05-50
			162-6	Part	0-10-50
			„ 7	Part	0-11-50
			163-1B	Part	0-12-00
			„ -2	Part	0-11-50
			„ -5	Part	0-04-50
			„ -6	Part	0-09-00
			164-1	Part	0-07-50
			„ -2	Part	0-33-50
			119/Part		0-03-00
			120-12	Part	0-02-00
			„ -7A	Part	0-03-00
			„ -6	Part	0-01-50
					1-77-50
			137	Part	0-03-50
			124-17/C	Part	0-05-50
			125-2E	Part	0-01-00
			136-1	Part	0-02-50
			„-2	Part	0-16-00
			„ -3	Part	0-04-00
			„-4	Part	0-02-50
			„ -5	Part	0-03-50
			133 -1	Part	0-14-50
			132 -1	Part	0-03-50
			„ -2	Part	0-04-50
			„ -4	Part	0-03-00
			„ -5	Part	0-01-00
			131 -1	Part	0-03-00

G.P.

G.P.



1	2	3	4	5	6
East Godavari (Contd.)	Uppala Guptham (Contd.)	S. Yanam (Contd)	130 -1 Part ,, -2A Part ,, -2B Part ,, -4 Part	0-12-50 0-01-00 0-08-50 0-05-00	
				1-01-00	
		1st Page		1-77-50	
		G. Total		2-78-50	Or AC 6-88
		522	Part	0-06-50	G.P.
		504	Part	0-28-50	
		505	Part	0-26-50	
		505	Part	0-25-00	
		507-1	Part	0-05-50	
		„-2	Part	0-03-50	
		503-1A	Part	0-18-50	
		„-1B	Part	0-02-50	
		„-1C	Part	0-01-00	
		„-1D	Part	0-05-50	
		502-1A	Part	0-02-00	
		1B	Part	0-01-00	
		503	Part	0-04-00	G.P.
		497-5/A	Part	0-02-50	
		496-3	Part	0-07-50	
		„4A	Part	0-04-00	
		„4B	Part	0-05-00	
		495	Part	0-38-00	
		491	Part	0-41-00	
				2-33-00	
		478-1	Part	0-005-0	
		479	Part	0-21-50	
		490	Part	0-04-00	
		489	Part	0-16-00	
		488-2	Part	0-09-00	
		480-1	Part	0-02-00	G.P.
		486	Part	0-05-50	
		487	Part	0-04-50	G.P.
		580-1	Part	0-03-00	
		„2	Part	0-07-50	
		„4B	Part	0-09-50	
		—6	Part	0-14-00	
		579	Part	0-03-00	G.P.
		597-9	Part	0-01-00	
		576-7	Part	0-03-00	
		„8	Part	0-07-50	
		„9	Part	0-11-00	
		574-1	Part	0-03-50	
		„3	Part	0-07-50	
		„-4B	Part	0-02-00	
				1-35-50	

1	2	3	4	5	5	6
East Godavari (Contd.)	Uppala Guptaun (Contd.)	Gusallapalli (Contd.)	575-1	Part	0-09-50	
			„-2	Part	0-05-00	
			„-3	Part	0-07-50	
				Part		
			„-5	Part	0-10-50	
			„-11	Part	0-00-50	
			619	Part	0-03-00	G.P.
			611-1	Part	0-09-00	
			„-2	Part	0-01-00	
			„-8	Part	0-05-00	
			„-9	Part	0-03-50	
			„-10	Part	0-05-50	
			„-11	Part	0-03-00	
			„-12	Part	0-05-50	
			„-1	Part	0-04-50	
			„-2	Part	0-04-50	
			„-3	Part	0-04-50	
			„-4	Part	0-04-50	
			„-5	Part	0-04-00	
			„-6A	Part	0-03-50	
			„-8	Part	0-00-50	
			„-9	Part	0-04-00	
			„-10	Part	0-03-50	
			601-2	Part	0-03-00	
			„-7	Part	0-25-00	
			„-8	Part	0-00-00	
					1-31-50	
			600-1	Part	0-17-50	
			„2	Part	0-02-50	
			„3	Part	0-02-50	
			„4	Part	0-04-00	
			596	Part	0-03-00	G.P.
			593-1	Part	0-34-00	
			„2	Part	0-03-00	
			„3	Part	0-07-50	
			592	Part	0-10-00	G.P.
			2-1	Part	0-29-50	
			4-1	Part	0-01-00	
			1-	Part	0-24-50	G.P.
			13	Part	0-07-50	
			14-1	Part	0-14-00	
			„3C	Part	0-00-50	
			„2A	Part	0-11-50	
			608/1-3	Part	0-06-00	
			„7	Part	0-06-50	
			„10	Part	0-05-50	
			608/2-4	Part	0-04-00	
			„5	Part	0-03-00	
			613/2	Part	0-03-00	G.P.
					2-00-50	4-96

1	2	3	4	5	6
East Godavari (Contd.)	Uppala Guptaun (Contd.)	Guallapalli (Contd.)	3 Page 2 Page 1 Page  Total	1-31-50 1-35-50 2-33-00 7-00-50	3-27 3-34 5-74 17-31
East Godavari	Uppala Guptaun	Gopallaram	321 -1 Part -2A Part 322-1D1 Part -1C Part -1D Part 1E Part "-1D5 Part 342-1 Part -2 Part -3 Part	0-01-50 0-12-00 0-05-50 0-00-50 0-06-00 0-05-50 0-05-50 0-07-50 0-01-00 0-00-50	Ac. ents 1-13

[No. L-14016/18/94—G.P.]  
ARDHENDU SEN, Director

# MINISTRY OF CHEMICALS & FERTILIZERS

(Deptt. of Chemicals & Petrochemicals)

## CORRIGENDUM

New Delhi, 31 October, 1995

S.O. 2939 In the Gazette of India, notification dated 25th March 1995, S.O. No. 789, printed at page 1131, in respect of village-Koyali.

For the existing entries

Col. (2)	Col. (3)
Sr. No. Block No.	Hectare Are Centare
943-3	00 02 25
Please read: Col. (2)	Col. (3)
Sr. No. Block No.	Hectare Are Centare
943	00 02 25

[No. 45011/1/94-US (PC)]  
D. P. GOEL, Under Secy.

## CORRIGENDUM

New Delhi, the 31st October, 1995

S.O. 2940 In the Gazette of India, notification dated 25th March 1995, S.O. No. 794, printed at page 1135, in respect of village-Badalpura.

For the existing entries

Col. (2)	Col. (3)
Sr. No. Block No.	Hectare Are Centare
3-P	00 30 80

Please read:

Col. (2)

Col. (3)

Sr. No. Block No.	Hectare	Are	Centare
38-P	00	30	80

[No. 45011/1/94-US (PC)]  
D. P. GOEL, Under Secy.

## CORRIGENDUM

New Delhi, the 31st October, 1995

S.O. 2941 In the Gazette of India, notification dated 25th March 1995, S.O. No. 800, printed at page 1145, 1146, in respect of village-Ankhi.

For the existing entries

Col. (2)	Col. (3)
Sr. No. Block No.	Hectare Are Centare
112	00 20 80
Please read: Col. (2)	Col. (3)
Sr. No. Block No.	Hectare Are Centare
112	00 02 80

[No. 45011/1/94-US (PC)]  
D. P. GOEL, Under Secy.

## CORRIGENDUM

New Delhi, the 31st October, 1995

S.O. 2942 In the Gazette of India, notification dated 25th March 1995, S.O. No. 801, printed at page 1149, 1150, in respect of village-Gajera.

For the existing entries

Col. (2)		Col. (3)	
Sr. No. Block No.	Hectare	Are	Centare
1842	00	07	70
1830	00	01	90
Please read:			
Col. (2)		Col. (3)	
Sr. No. Block No.	Hectare	Are	Centare
1842	00	07	90
1830	00	01	20

[No. 45011/1/94-US (PC)]  
D. P. GOEL, Under Secy.

## CORRIGENDUM

New Delhi, the 31st October, 1995

S.O. 2943 In the Gazette of India, notification dated 25th March, 1995, S.O. No. 802, printed at page 1151, 1152, in respect of village-Piludara.

For the existing entries

Col. (2)		Col. (3)	
Sr. No. Block No.	Hectare	Are	Centare
233	00	11	20
Please read:			
Col. (2)		Col. (3)	
Sr. No. Block No.	Hectare	Are	Centare
235	00	11	20

[No. 45011/1/94-US (PC)]  
D. P. GOEL, Under Secy.

## CORRIGENDUM

New Delhi, the 31st October 1995

S.O. 2944 In the Gazette of India, notification dated 25th March 1995, S.O. No. 803, printed at page 1154, 1155, in respect of village-Kadodara.

For the existing entries

Col. (2)		Col. (3)	
Sr. No. Block No.	Hectare	Are	Centare
991	00	19	05
Please read:			
Col. (2)		Col. (3)	
Sr. No. Block No.	Hectare	Are	Centare
691	00	19	05

[No. 45011/1/94-US (PC)]  
D. P. GOEL, Under Secy.

## CORRIGENDUM

New Delhi, the 31st October, 1995

S.O. 2945 In the Gazette of India, notification dated 25th March 1995, S.O. No. 804, printed at page 1157, in respect of village-Brahmanvasi.

For the existing entries

Col. (2)		Col. (3)	
Sr. No. Block No.	Hectare	Are	Centare
72	00	04	62
Please read:			
Col. (2)		Col. (3)	
Sr. No. Block No.	Hectare	Are	Centare
172	00	04	62

[No. 45011/1/94-US(PC)]  
D. P. GOEL, Under Secy.

## CORRIGENDUM

New Delhi, the 31st October, 1995

S.O. 2946 In the Gazette of India, notification dated 25th March 1995, S.O. No. 805, printed at page 1161, 1162, in respect of village-Muler.

For the existing entries

Col. (2)		Col. (3)	
Sr. No. Block No.	Hectare	Are	Centare
311	60	32	98
Please read:			
Col. (2)		Col. (3)	
Sr. No. Block No.	Hectare	Are	Centare
311	00	32	98

[No. : 45011/1/94-US (PC)]  
D. P. GOEL, Under Secy.

## CORRIGENDUM

New Delhi, the 31st October, 1995

S.O. 2947 In the Gazette of India, notification dated 25th March 1995, S.O. No. 809, printed at page 1170, 1171, in respect of village-Kundhal.

For the existing entries

Col. (2)		Col. (3)	
Sr. No. Block No.	Hectare	Are	Centare
251	00	09	20
Please read:			
Col. (2)		Col. (3)	
Sr. No. Block No.	Hectare	Are	Centare
258	00	09	20

[No. 45011/1/94-US (PC)]  
D. P. GOEL, Under Secy.

New Delhi, 31 October, 1995

## CORRIGENDUM

S.O. 2948.—In the Gazette of India notification dated 25th March 1995. S.O. No. 814, printed at Page 1179, in respect of Village-Dabka.

For the existing entries :

	Col. (2)	Col. 3	
	Sr. No.	Block Hectare	Are Centare.
Please read :	376-B	00 30	50
	Col. (2)	Col. (3)	
	Sr. No. Block	Hect. Are	Centare.
	376-B	00 39	50

[No. 45011/1/94-(PC)]

D.P.GOEL Under Secy

New Delhi 31 October, 1995

## CORRIGENDUM

S.O. 2949.—In the Gazette of India notification dated 25th March 1995 S.O. No. 816 printed at Page 1182, 1183, in respect of village Mujpur—

For the Existing entries :

	Col. (2)	Col. (3)	
	Sr. No. Block No.	Hectare Are	Centrare
Please read :	939-B	00 00	32

Col. (2) Col. (3)

Sr. No. Block No.	Hectare	Are	Centrare
839-B	00	00	32

[No. 45011/1/94-PC]

D.P.GOEL Under, Secy.

रसायन एवं उर्वरक मंत्रालय  
(रसायन एवं पैट्रोमियन विभाग)

शुद्धि पत्र

नई दिल्ली, 31 अक्टूबर, 1995

का.आ. 2950.—तारीख 1 अप्रैल, 1995 के भारत के राजपत्र में एमओ नं. 883 पन्ना नं. 1267 पर एकलवारा गांव के लिए प्रकाशित अधिसूचना :

नीचे लिखी वर्तमान प्रविष्टियों के लिए :

	कालम (2)	कालम (3)	
क्रम सं.	ब्लॉक नं.	हेक्टेयर	आर सेन्टीयर
610		00	02

कृपया पढ़ा जाए :

	कालम (2)	कालम (3)	
क्रम सं.	ब्लॉक नं.	हेक्टेयर	आर सेन्टीयर
615		00	02 08

[सं. 45011/1/94-यू एम (पी सी)]

धर्मपाल गोयल, सचिव

New Delhi, 31 October, 1995

## CORRIGENDUM

S.O. 2950.—In the Gazette of India notification dated 1st April 1995 S.O. No. 883 printed at page 1267 1268, in respect of Village—Ekalbara.

For the existing entries :

	Col. (2)	Col. (3)	
	Sr. No. Block No.	Hectare Are	Centare
	617	00 01	80
	599	00 07	30
	576	00 23	32
	Cart Track	00 01	20
	467	00 04	40
	76	00 26	00

Please read :

	Col. (2)	Col. (3)	
	Sr. No. Block No.	Hectare Are	Centare
	617	00 01	30
	599	00 09	30
	596	00 23	32
	Cart Track	00 01	90
	469	00 04	40
	96	00 26	00

[No. 45011/1/94-US (PC)]

D.P. GOEL, Under Secy.

New Delhi 31 October, 1995

## CORRIGENDUM

S.O. 2951.—In the Gazette of India, notification dated 1st April 1995, S.O. No. 885 Printed at Page 1269—1270 in respect of village Luna—

For the existing entries :

	Col. (2)	Col. (3)	
	Sr. No. Block No.	Hectare Are	Centrare
	520	00 17	90

Please read :

	Col. (2)	Col. (3)	
	Sr. No. Block No.	Hectare Are	Centrare
	520	00 19	90

[No. 45011/1/94-US (PC)]

D.P. GOEL, Under Secy.

New Delhi 31 October, 1995

## CORRIGEDUM

S.O. 2952.—In the Gazette of India notification dated 1st April, 1995 S.O. No. 886, printed at page 1271 1272, in respect of village-Jaspur

For the existing entries :

Col. (2)			Col. (3)		
Sl. No.	Block No.		Hectare	Are	Centre
618		00	18	35	
528		00	17	30	

Please read :

Col. (2)			Col. (3)		
Sr. No.	Block No.		Hectare	Are	Centare
613	00		18	35	
518	00		17	30	

[No. 45011/1/94-US (PC)]  
D.P. GOEL Under Secy.

शुद्धि पत्र

नई दिल्ली, 31 अक्टूबर, 1995

का.आ. 2953.—तारीख 1 अप्रैल, 1995 के भारत के राजपत्र में एसओ नं. 887 पन्ना नं. 1272-73 पर अंणाड गांव के लिए प्रकाशित अधिसूचना :

नीचे लिखी वर्तमान प्रविष्टियों के लिए :

कालम (2)		कालम (3)		
क्रम सं.	ब्लॉक नं.	हेक्टेयर	आर	सेन्टार
233-पी		00	00	30

कृपया पढ़ा जाए :

कालम (2)		कालम (3)		
क्रम सं.	ब्लॉक नं.	हेक्टेयर	आर	सेन्टार
293 पी		00	00	30

[सं. 45011/1/94-यू.एम. (पी.सी.)]

धर्म पाल गोयल, सचिव

## CORRIGENDUM

New Delhi 31 October, 1995

S.O. 295—4In the Gazette of India, notification dated 1st April 1995, S.O. No. 888, printed at page 1275, in respect of village-Sherkhi.

For the existing entries :

Col. (2)			Col. (3)		
Sr. No.	Block No.		Hectare	Are	Centrare
281/3	00		16	60	
280/1	00		20	00	
183	00		13	20	
330/1	00		01	80	

Please read :

Col. (2)			(Col. (3))		
Sr. No.	Block No.		Hectare	Are	Cent
280/3	00		16	60	
281/1	00		20	00	
283	00		13	20	
300/1	00		01	80	

[No. 45011/1/94 (PC)]  
D. P. GOEL Under Secy.

शुद्धिपत्र

नई दिल्ली, 31 अक्टूबर, 1995

का.आ. 2955.—तारीख 1 अप्रैल, 1995 के भारत के राजपत्र में एसओ नं. 890 पन्ना नं. 1276-77 पर पनियादरा गांव के लिए प्रकाशित अधिसूचना में नीचे लिखी वर्तमान प्रविष्टियों के लिए :

कालम (2)		कालम (3)		
क्रम सं.	ब्लॉक नं.	हेक्टेयर	आर	सेन्टार
258		10	22	50

कृपया पढ़ा जाए :

कालम (2)		कालम (3)		
क्रम सं.	ब्लॉक नं.	हेक्टेयर	आर	सेन्टार
258		00	22	50

[सं. 45011/1/94-यू.एम. (पी.सी.)]

धर्म पाल गोयल, सचिव

## CORRIGENDUM

New Delhi 31 October, 1995

S.O. 2955 In the Gazette of India, notification dated 1st April 1995 S.O. No. 890 printed at page 1277, 1278, in respect of village-Paniyadara.

For the existing :

Col. (2)		Col. (3)		
Sr. No.	Block No.	Hectare	Are	Centare
177	00		20	80
178	00		20	80
367	00		08	30
383	00		11	70
385	00		16	90

Please read :

Col. (2)			Col. (3)		
Sr.	Block No.		Hectare	Are	Centare
179		00		20	80
198		00		20	80
369		00		08	30
383		00		11	90
385		00		16	70

[No. 45011/1/94-(PC)]

D.P. GOEL Under Secy.

शुद्धिपत्र

नई दिल्ली, 31 अक्टूबर, 1995

का.आ. 2956.—तारीख 1 अप्रैल, 1995 के भारत के राजपत्र एसओ नं. 891 पन्ना नं. 1278-79 पर रांझा टकारिया गांव के लिए प्रकाशित अधिसूचना में नीचे लिखी वर्तमान प्रविष्टियों के लिए—

कालम (2)		कालम (3)		
क्रम सं.	ब्लॉक नं.	हेक्टेयर	आर	सेन्टार
911		00	92	45

रूपया पढ़ा जाए :

कालम (2)		कालम (3)		
क्रम सं.	ब्लॉक नं.	हेक्टेयर	आर	सेन्टार
911		00	02	45

[सं. 45011/1/94-यूएस (पीसी)]

धर्म पाल गोसे, अवर सचिव

एडिपत्र

नई दिल्ली, 31 अक्टूबर, 1995

का.आ. 2957.—तारीख 1 अप्रैल, 1995 के भारत के राजपत्र एस ओ सं. 892 पन्ना नं. 1280-81 पर बहेज गांव के लिए प्रकाशित अधिसूचना में :—

नीचे लिखी वर्तमान प्रविष्टियों के लिए:

कालम (2)		कालम (3)		
क्रम सं.	ब्लॉक नं.	हेक्टेयर	आर	सेन्टार
934		99	17	6
933		99	25	87
932		99	12	35

रूपया पढ़ा जाए :

कालम (2)		कालम (3)		
क्रम सं.	ब्लॉक नं.	हेक्टेयर	आर	सेन्टार
934		00	17	60
933		00	25	87
932		00	12	35

[सं. 45011/1/94-यूएस (पीसी)]

धर्म पाल गोयल, अवर सचिव

नई दिल्ली, 31 अक्टूबर, 1995

का.आ. 2959.—यतः केन्द्रीय सरकार को वह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में दहेज-गंधार से बड़ौदा तक पेट्रोलियम उत्पाद के परिवहन के लिए पाइपलाइन इंडियन पेट्रोकैमिकल्स कारपोरेशन लि. द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है :

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधि-कारि, इंडियन पेट्रोकैमिकल्स कारपोरेशन लि., गंधार काम्पलेक्स, 7वीं मंजिल होटल सूर्यपैलेस, सयाजीगंज, बड़ौदरा को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

## CORRIGENDUM

New Delhi, the 31st October, 1995

S.O. 2957.—In the Gazette of India, notification dated 1st April 1995 S.O. No. 892, printed at page 1281, 1282, in respect of Village—Dahej:—For the existing entries:

Col (2)		Col. (3)		
Sr. No.	Block No.	Hectare	Are	Centare
929		00	81	95
258—B		00	13	98
263—B		00	18	75

Please read:

Col. (2)		Col (3)		
Sr. No.	Block No.	Hectare	Are	Centare
929		01	80	95
259—B		00	13	98
263—B		00	18	95

[No. 45011/1/94-US(PC)]

D.P. GOEL Under Secy.

## CORRIGENDUM

New Delhi, 31st October, 1995

S.O. 2958.—In the Gazette of India, notification dated 1st April 1995. S.O. No. 893, printed at page 1283 in respect of village: Chanchwel.

For the existing entries :

Col (2)		Col. (3)		
Sr. No.	Block No.	Hectare	Are	Centare
1979		00	50	60

Please read :

Col. (2)		Col.(3)		
Sr.No.	Block No.	Hectare	Are	Centare
1079		00	50	60

[No. 45011/1/94—US (PC)].

D.P. GOEL Under Secy.

## अनुसूची

पैट्रोलियम एवं खनिज (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3(1) के अंतर्गत अधिसूचना की अनुसूची

क्रम सं.	गांव का नाम	तहसील/तालुका	जिला	सर्वे ब्लॉक नं.	क्षेत्रफल		
					हेक्टेयर	आर	सेन्टार
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1.	दहेज	वागरा	भरुच	1198	00	14	50
2.	"	"	"	1030	00	02	50
3.	"	"	"	288	00	01	50

[सं. 45011/1/94-यू एस (पी सी)]

धर्मपाल गोयन, अवर सचिव

New Delhi, the 31st October, 1995

S.O. 2959.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from DAHEJ-GANDHAR to Baroda, M.A. Gail Complex in Gujarat State pipeline should be laid by the Indian Petrochemicals Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals

Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Indian Petrochemicals Corporation Ltd., Gandhar Complex 7th Floor, Hotel Surya Palace, Sayajiganj, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Schedule to Notification Under Section 3(1) of the Petroleum &amp; Minerals (Acquisition of Right Of User in Land)

Act, 1962 (50 of 1962)

Sr. No.	Name of the Village	Tehsil/Taluka	District	Survey/Block Number	Area		
					Hectare	Aro	Centare
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1.	Dahej	Vagra	Bharuch	1198	00	14	50
2.	"	"	"	1030	00	02	50
3.	"	"	"	208	00	01	50

[No. 45011/1/94-US(PC)]

D.P. GOEL, Under Secy.

नई दिल्ली, 31 अक्टूबर, 1995

का.आ. 2960:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकार्हत में यह आवश्यक है कि गुजरात राज्य में दहेज-गंधार से बड़ौदा तक पैट्रोलियम अत्याद के परिवहन के लिए पाइपलाइन इंडियन पैट्रोकेमिकल्स कारपोरेशन लि. द्वारा बिछाई जानी चाहिए।



और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिगने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अत्र पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, इंडियन पेट्रोकेमिकल्स कारपोरेशन लि., होटल सूर्या पैलेस, सयाजीगंज, वडोदरा को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टता यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

### अनुसूची

पेट्रोलियम एवं खनिज (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 की धारा 3(1) के अंतर्गत अधिसूचना की अनुसूची

क्रम सं.	गांव का नाम	तहसील/तालुका	जिला	सर्वे/ब्लॉक नं.	क्षेत्रफल		
					हेक्टेयर	भार	सेन्टार
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1.	कडोदरा	वागरा	भरुच	846	00	14	30
2.	"	"	"	845	00	14	10
3.	"	"	"	844	00	24	07
4.	"	"	"	792	00	02	21
5.	"	"	"	794	00	02	2
6.	"	"	"	615	00	15	3
7.	"	"	"	569	00	34	6
8.	"	"	"	570	00	08	33

[सं. 45011/1/94-यू एस (पी सी)]

धर्म पाल गोयल, अवर सचिव

New Delhi, the 31st October, 1995

S.O. 2960.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from DAHEJ-GANDHAR to Baroda, VIA Gail Complex in Gujarat State pipeline should be laid by the Indian Petrochemicals Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals 2569 GI/95—4

Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Indian Petrochemicals Corporation Ltd., Gandhar Complex 7th Floor, Hotel Surya Palace, Sayajigumj, Vadodara-390005

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner,

## SCHEDULE

Schedule to Notification Under Section 3(1) of the Petroleum &amp; Minerals (Acquisition of Right Of User in Land) Act, 1962

Sr. No.	Name of the Village	Tehsil/Taluka	District	Survey/Block Number	Area		
					Hectare	Are	Centiare
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1	Kadadara	Vagra	Bharuch	846	00	14	30
2	"	"	"	845	00	14	10
3	"	"	"	844	00	24	00
4	"	"	"	792	00	02	25
5	"	"	"	794	00	02	25
6	"	"	"	685	00	15	30
7	"	"	"	569	00	34	65
8	"	"	"	570	00	08	35

[No. 45011/1/94-US/(PC)]

D.P. GOEL, Under Secy.

नई दिल्ली, 21 अक्टूबर, 1995

का.प्रा. 2961:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वहेज-गंधार से बड़ोदा तक पेट्रोलियम उत्पाद के परिवहन के लिए पाइपलाइन इंडियन पेट्रोकैमिकल्स कार्पोरेशन लि. द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए, आक्षेप सक्षम प्राधिकारी, इंडियन पेट्रोकैमिकल्स कार्पोरेशन लि., होटल सूर्या पैलेस, सयाजीगंज, बड़ीदरा को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टता यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

पेट्रोलियम एवं खनिज (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 की धारा 3(1) के अंतर्गत अधिसूचना की अनुसूची

क्रम सं.	गांव का नाम	तहसील/तालुका	जिला	सर्वे/ब्लॉक नं.	क्षेत्रफल		
					हेक्टेयर	आर	सेन्टार
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1.	पणियावरा	वागरा	भरुच	204	00	09	00

[सं. 45011/1/94-यू एस (पी सी)]

धर्म पात्र गोयल अवसर सचिव

New Delhi, the 31st October, 1995

S.O. 2961.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from DAHEJ-GANDHAR to Baroda, VIA Gail Complex in Gujarat State pipeline should be laid by the Indian Petrochemicals Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals

Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Indian Petrochemicals Corporation Ltd., Gandhar Complex 7th Floor, Hotel Surya Palace, Sayajigunj, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Schedule to Notification Under Section 3(1) of the Petroleum & Minerals (Acquisition of Right Of User in Land) Act, 1962

Sr. No.	Name of the Village	Tehsil/Taluka	District	Survey/Block Number	Area		
					Hectare	Aro	Centiare
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1.	Paniyadra	Vagra	Bharuch	204	00	09	00

[No. 45011/1/94-US(PC)]

D.P. GOEL, Under Secy.

नई दिल्ली, 31 अक्टूबर, 1995

का.आ. 2962—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में दहेज—गंधार से बड़ोदरा तक पेट्रोलियम उत्पाद के परिवहन के लिए पाइपलाइन इंडियन पेट्रोकेमिकल्स कारपोरेशन लि. द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

यसर्थ कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी इंडियन पेट्रोकेमिकल्स कारपोरेशन लि., हॉटल सूर्या पैलेस, सयाजी गंज, बड़ोदरा को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टता यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई पंचायतगत हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

पेट्रोलियम एवं खनिज (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 3(1) के अंतर्गत अधिसूचना की अनुसूची

क्रम सं.	गांव का नाम	तहसील/तालुका	जिला	सर्वे/ब्लॉक नं.	क्षेत्रफल		
					हेक्टेयर	आर	सेन्टार
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1.	गोलादरा	वाग्रा	भरुच	359	00	05	18

[सं. 45011/1/94-यू एस (पी सी)]

धर्म पाल गोयल, अवसर सचिव

New Delhi the 31st October, 1995

S.O. 2962.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from DAHEJ-GANDHAR to Baroda, VIA. Gail Complex in Gujarat State pipeline should be laid by the Indian Petrochemicals Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals

Pipelines (Acquisition of Right of User in the land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Indian Petrochemicals Corporation Ltd., Gandher Complex 7th Floor, Hotel Surya Palace, Sayajiganj, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Schedule to Notification Under Section 3(1) of the Petroleum &amp; Minerals (Acquisition of Right Of User in Land) Act, 1962

Sr. No.	Name of the Village	Tehsil/Taluka	District	Survey/Block Number	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6-1	6-2	6-3
1	Goladara	Vagra	Bharuch	359	00	05	18

[No. 45011/1/94-US(PC)]  
D.P. GOEL, Under Secy.

नई दिल्ली, 31 अक्टूबर, 1995

का.प्र. 2963 :—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में दहेज—गंधार से बड़ोदरा तक पेट्रोलियम उत्पाद के परिवहन के लिए पाइपलाइन इंडियन पेट्रोकेमिकल्स लि. कॉर्पोरेशन लि. द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि., होटल सूर्या पैलेस, सयाजीगंज, बड़ोदरा को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टता यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

पेट्रोलियम एवं खनिज (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 की धारा 3(1) के अंतर्गत अधिसूचना की अनुसूची

क्रम सं.	गांव का नाम	तहसील/तालुका	जिला	सर्वे/ब्लाक नं.	क्षेत्रफल		
					हेक्टेयर	आर	सेन्टार
1	2	3	4	5	6-1	6-2	6-3
1	प्रलादर	बागरा	भरुच	361	00	00	50

[सं. 45011/1/94-यू एस (पी सी)]  
धर्म पास गोयल, अवसरसचिव

New Delhi, the 31st October, 1995

S.O. 2963.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from DAHEJ-GANDHAR to Baroda, VIA. Gail Complex in Gujarat State pipeline should be laid by the Indian Petrochemicals Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals

Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Indian Petrochemicals Corporation Ltd., Gandhar Complex 7th Floor, Hotel Surya Palace, Sayajiganj, Vadodara 390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Schedule to Notification Under Section 3(1) of the Petroleum & Minerals (Acquisition of Right Of User in Land) Act, 1962

Sr. No.	Name of the Village	Tehsil/Taluka	District	Survey/Block No.	Area		
					Hectare	Are	Centiare
1	2	3	4	5	6-1	6-2	6-3
1	Aldar	Vagra	Bharuch	361	00	00	50

[No. 45011/1/94-US(PC)]  
D.P. GOEL, Under Secy.

नई दिल्ली, 31 अक्टूबर, 1995

का.आ. 2964 :—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में दहेज—गंधार से बड़ौदा तक पेट्रोलियम उत्पाद के परिवहन के लिए पाइपलाइन इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि. द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का आना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि., होटल सूर्या पैलेस, सयाजीगंज, बड़ौदा को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टता यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

पेट्रोलियम एवं खनिज (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 की धारा 3(1) के अंतर्गत अधिसूचना की अनुसूची

क्रम सं.	गांव का नाम	तहसील/तालुका	जिला	सर्वे/ब्लाक नं.	क्षेत्रफल		
					हेक्टेयर	आर	सेन्टार
1	2	3	4	5	6-1	6-2	6-3
1	बोक्ल	वागरा	भरुच	129-पी	00	08	00

[सं. 45011/1/94-यू एस (पी सी)]  
धर्म पाल गोयल, अव्वर सचिव

New Delhi, the 31st October, 1995

S.O. 2964.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from DAHEJ-GANDHAR to Baroda, VIA. Gail Complex in Gujarat State pipeline should be laid by the Indian Petrochemicals Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals

Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Indian Petrochemicals Corporation Ltd., Gandhar Complex 7th Floor, Hotel Surya Palace, Sayajigunj, Vadodara 390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Schedule to Notification Under Section 3 (1) of the Petroleum & Minerals (Acquisition of Right Of User in Land), Act 1962

Sr. Name of the Village No.		Tehsil/Taluka	District	Survey/Block Number	Area		
					Hectare	Acre	Centiare
1	2	3	4	5	6-1	6-2	6-3
1	Trankal	Vagra	Bharuch	129-P	00	08	00

[No. 45011/1/94-US(PC)]

D.P.GOEL, Under Secy.

नई दिल्ली, 31 अक्टूबर, 1995

का.आ. 2963 :—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में दहेज—गंधार से बड़ीदा तक पेट्रोलियम उत्पाद के परिवहन के लिए पाइपलाइन इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि. द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदपवाद अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितवृद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि, होटल सूर्या पैलेस, सयाजीगंज, वडोदरा को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टता यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

पेट्रोलियम एवं खनिज (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 3(1) के अंतर्गत अधिसूचना की अनुसूची

क्रम सं.	गांव का नाम	तहसील/तालुका	जिला	सर्वे/ ब्लॉक नं.	क्षेत्रफल		
					हेक्टेयर	आर	सेन्टार
1	2	3	4	5	6-1	6-2	6-3
1	पालडी	वागरा	भरुच	24	00	00	20
2	पालडी	वागरा	भरुच	172	00	00	62

[सं. 45011/1/94-यू एस (पी सी)]

धर्म पाल गोयल, अवर सचिव

New Delhi, the 31st October, 1995

S.O. 2965.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from DAHEJ-GANDHAR to Baroda, Via Gail Complex in Gujarat State pipeline should be laid by the Indian Petrochemicals Corporation Ltd

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Indian Petrochemicals Corporation Ltd., Gandhar Complex 7th Floor, Hotel Surya Palace, Sayajiganj, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Schedule to Notification Under Section 3(1) of the Petroleum & Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962

Sr. No.	Name of the Village	Tehsil/Taluka	District	Survey/Block Number	Area		
					Hectare	Are	Centiare
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1	Paldi	Vagra	Bharuch	24	00	00	20
2	"	"	"	172	00	00	62

[No. 45011/1/94-US(PC)]  
D. P. GOEL, Under Secy.

नई दिल्ली, 31 अक्टूबर, 1995

का.प्रा. 2966 :—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में दहेज-गंधार से वडोदा तक पेट्रोलियम उत्पाद के परिवहन के लिए पाइपलाइन इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि. द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार, अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

वर्णित कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप मक्षम प्राधिकारी इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि., होटल सूर्या पैलेस, सयाजीगंज, वडोदरा को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति निर्निश्चयता यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सूचनाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

[सं. 45011/1/94-यूएस (पीसी)]

धर्मपाल गोयल, अवर सचिव

## अनुसूची

पेट्रोलियम एवं खनिज (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 3(1) के अंतर्गत अधिसूचना की अनुसूची

क्रम सं.	गांव का नाम	तहसील/तालुका	जिला	सर्वे/ ब्लॉक नं.	क्षेत्रफल		
					हेक्टेयर	आर	सेन्टार
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1	कुंडल	जंबुसर	भरुच	271/ए और बी	00	01	26

[सं. 45011/1/94-यूएस(पीसी)]

घरमपाल गोयल, अवर सचिव

New Delhi, the 31st October, 1995

Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

S.O. 2966.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from DAHEJ-GANDHAR to Baroda, VIA Gail Complex in Gujarat State pipeline should be laid by the Indian Petrochemicals Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Indian Petrochemicals Corporation Ltd., Gandhar Complex 7th Floor, Hotel Surya Palace, Sayajiganj, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Schedule to Notification Under Section 3(1) of the Petroleum & Minerals (Acquisition of Right of User in Land) Act, 1962

Sr. Name of the Village No.	Tehsil/Taluka	District	Survey/Block Number	Area			
				Hectare	Acre	Centare	
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1. Kundhal	Jambusar	Bharuch	271/ A&B		00	01	26

[No. 45011/1/94-US (PC)]

D. P. GOEL, Under Secy.

नई दिल्ली, 31 अक्टूबर, 1995

का. आ. 2967 .—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में दहेज-गंधार से बड़ीदा तक पेट्रोलियम उत्पाद के परिवहन के लिए पाइपलाइन इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि० द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है :



वर्णित कि उक्त भूमि में स्थापित कोई व्यक्ति, उक्त भूमि के नीचे पाइप लाइन बिछाने के लिए, आक्षेप सत्रम प्राधिकारी, इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि०, होटल सूर्यपैलेस, सायजिगंज, वडोदरा को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति निर्दिष्ट है कि वह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

#### अनुसूची

पेट्रोलियम एवं खनिज (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 3(1) के अंतर्गत अधिसूचना की अनुसूची

क्रम सं.	गांव का नाम	तहसील/तालुका	जिला	सर्वे/ब्लाक नं.	क्षेत्रफल		
					हेक्टर	आर	सेंटर
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1	मगनाद	जंबुसर	भरुच	1490	00	15	10
2	"	"	"	61	00	13	42
3	"	"	"	62	00	54	00

[सं. 45011/1/94-यूएस (पीसी)]

धर्म पाल गोयल, अवर सचिव

New Delhi, the 31st October, 1995

S.O. 2967.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from DAHEJ-GANDHAR to Baroda, VFA Gail Complex in Gujarat State pipeline should be laid by the Indian Petrochemicals Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Indian Petrochemicals Corporation Ltd., Gandhar Complex 7th Floor, Hotel Surya Palace, Sayajiganj, Vadodara 390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

#### SCHEDULE

Schedule to Notification Under Section 3(1) of the Petroleum & Minerals (Acquisition of Right of User in Land) Act, 1962

Sr. No.	Name of the Village	Tehsil/Taluka	District	Survey/Block Number	Area		
					Hectare	Acre	Centare
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1.	Magnad	Jambusar	Bharuch	1490	00	15	10
2.	Magnad	Jambusar	Bharuch	61	00	13	42
3.	Magnad	Jambusar	Bharuch	62	00	04	00

[No. 45011/1/94-US (PC)]

D. P. GOEL, Under Secy.

नई दिल्ली, 31 अक्टूबर, 1995

का.आ. 2968.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में दहेज-गंधार से बड़ीदा तक पेट्रोलियम उत्पाद के परिवहन के लिए पाइपलाइन इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि० द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलेियम और ब्रिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है:

अर्थात् कि उक्त भूमि में हिनबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि०, होटल सूर्यापलेस, सयाजीगंज, वडोदरा को इस आधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतया यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

#### अनुसूची

पेट्रोलेियम एवं ब्रिज (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 3(1) के अंतर्गत आधिसूचना की अनुसूची

क्रम सं.	गांव का नाम	तहसील/तालुका	जिला	सर्वे/ब्लॉक नं.	क्षेत्रफल		
					हेक्टेयर	आर	सेंटर
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1.	दूधवाडा	पादरा	बडोदा	ओएनजीसी डब्ल्यू बीएम रोड	00	04	00

[ सं. 45011/1/94-यूएस (पीसी) ]

धर्म पाल गोयल, अवर सचिव

New Delhi, the 31st October, 1995

S.O. 2968.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from DAHEJ-GANDHAR to Baroda VIA Oil Complex in Gujarat State pipeline should be laid by the Indian Petrochemicals Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Indian Petrochemicals Corporation Ltd, Gandhar Complex 7th Floor, Hotel Surya Palace, Sayajigunj, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

#### SCHEDULE

Schedule to Notification Under Section 3(1) of the Petroleum & Minerals (Acquisition of Right of User in Land) Act, 1962

Sr. No.	Name of the Village	Tehsil/Taluka	District	Survey/Block Number	Area		
					Hectare	Are	Centiare
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1.	Dudhawada	Padra	Baroda	ONGC WBM ROAD	00	04	00

[No. 45011/1/94-US (PC)]  
D. P. GOEL, Under Secy.

नई दिल्ली, 31 अक्टूबर, 1995

का.आ. 2969.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में दहेज-गंधार से बडोदा तक पेट्रोलेियम उत्पाद के परिवहन के लिए पाइपलाइन इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि० द्वारा बिछाई जानी चाहिए।

और यह यह प्रतीत होता है कि ऐसी लाइनों को जड़ाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अधिप्राप्त करना आवश्यक है।

अतः यह पेट्रोकेमिकल और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उनमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

वर्णित कि उपर्युक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी इंडियन पेट्रोकेमिकल कॉर्पोरेशन लि., होटल सूर्यापल्लव, सयाजीगंज, वडोदरा को इस अधिसूचना की तारीख के 2 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टता यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

### अनुसूची

पेट्रोकेमिकल एवं खनिज (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 3(1) के अंतर्गत अधिसूचना की अनुसूची

क्रम नं.	गांव का नाम	तहसील/तालुका	जिला	सर्वे/ब्लॉक नं.	क्षेत्रफल		
					हेक्टेयर	आर	सेंटर
1	2	3	4	5	6-1	6-2	6-3
1.	चोकरी	पावरा	वडोदरा	707	00	00	10
2.	"	"	"	233/बी और सी	00	13	54

[सं. 45011/1/94 यूएस(पीसी)]

धर्मपाल गोयल, अवर सचिव

New Delhi, the 31st October, 1995

S.O. 2969.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from DAHEJ-GANDHAR to Baroda, VIA. Gail Complex in Gujarat State pipeline should be laid by the Indian Petrochemicals Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Indian Petrochemicals Corporation Ltd., Gandhar Complex, 7th Floor, Hotel Surya Palace, Sayajiganj, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

[No. 45011/1/94-US (PC)]

D. P. GOEL, Under Secy.

### SCHEDULE

Schedule to Notification Under Section 3(1) of the Petroleum & Minerals (Acquisition of Right of User in Land) Act, 1962

Sr. No.	Name of the Village	Tehsil/Taluka	District	Survey/Block Number	Area		
					Hectare	Are	Centare
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1.	Chokari	Padra	Baroda	707	00	00	10
2	"	"	"	233/ B+C	00	13	54

नई दिल्ली, 31 अक्तूबर, 1995

क.आ. 2970... :—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में बहेज—गंधार से बड़ोदा तक पेट्रोलियम उत्पाद के परिवहन के लिए पाइपलाइन इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि. द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एनक्वायर्ड अगुची में वर्गीत भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 को उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि., होटल सूर्यपैलेस, सयाजीगंज, वडोदरा को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितता यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

पेट्रोलियम एवं खनिज (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 3(1) के अंतर्गत अधिसूचना की अनुसूची

क्रम सं.	गांव का नाम	तहसील/तालुका	जिला	सर्वे/ ब्लाक नं.	क्षेत्रफल		
					हेक्टेयर	भार	सेन्टार
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1	एकलवार	पादरा	बड़ोदा	ओएनजीसी गैस लाइन	00	04	00

[सं. 45011/1/94-एस (पीसी)]

धर्म पाल गोयल, अवर सचिव

New Delhi, the 31st October, 1995

S.O. 2970.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from DAHEJ-GANDHAR to Baroda, VIA. Gail Complex in Gujarat State pipeline should be laid by the Indian Petrochemicals Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Indian Petrochemicals Corporation Ltd., Gandhar Complex, 7th Floor, Hotel Surva Palace, Sayajiganj, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Schedule to Notification Under Section 3(1) of the Petroleum and Minerals (Acquisition of Right of User in Land) Act 1962

Sr. No.	Name of the Village	Tehsil/Taluka	District	Survey/Block Number	Area		
					Hectare	Are	Centare
1	2	3	4	5	6-1	6-2	6-3
1.	Ekalbara	Padra	Baroda	ONGC GAS LINE	00	04	00

[No. 45011/1/94-US (PC)]

D. P. GOEL, Under Secy.

नई दिल्ली, 31 अक्टूबर, 1995

का.आ. 2971 :—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में दहेज—गंधार से बड़ोदा तक पेट्रोलियम उत्पाद के परिवहन के लिए पाइपलाइन इंडियन पेट्रोकेमिकल्स कारपोरेशन लि. द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया।

वर्णित कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, इंडियन पेट्रोकेमिकल्स कारपोरेशन लि., होटल सूर्यावलेस, सयाजीगंज, बड़ोदरा को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टता यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

पेट्रोलियम एवं खनिज (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 3(1) के अंतर्गत अधिसूचना की अनुसूची

क्रम सं.	गांव का नाम	तहसील/तालुका	जिला	सर्वे/... ब्लॉक नं.	क्षेत्रफल		
					हेक्टेयर	आर	सेन्टार
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1	शेरखी	बड़ोदा	बड़ोदा	127	00	00	60
2	"	"	"	161/1	00	19	20
3	"	"	"	562	00	01	25

[सं. 45011/1/94-यूएम (पीसी)]

धर्म पाल गोयल, अवर सचिव

New Delhi, the 31st October, 1995

S.O. 2971.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from DAHEJ-GANDHAR to Baroda, VIA. Gail Complex in Gujarat State pipeline should be laid by the Indian Petrochemicals Corporation Ltd. ;

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals

Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 30 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Indian Petrochemicals Corporation Ltd., Gandhar Complex, 7th Floor, Hotel Surya Palace, Sayajigunj, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Schedule to Notification Under Section 3(1) of the Petroleum &amp; Minerals (Acquisition of Right of User in Land) Act 1962

Sr. No.	Name of the Village	Tehsil/Taluka	District	Survey/Block Number	Area		
					Hectare	Are	Centare
1	2	3	4	5	6-1	6-2	6-3
1. Sherkhi	Baroda	Baroda		127	00	00	60
2. "	"	"		161/1	00	19	20
3. "	"	"		562	00	01	25

[No. 45011/1/94-US (PC)]  
D. P. GOEL, Under Secy.

नई दिल्ली, 31 सितम्बर, 1995

का.आ. 2972...—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वट्टेज—गंधार से बड़ौदा तक पेट्रोलियम उत्पाद के परिवहन के लिए पाइपलाइन इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि. द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुद्देश्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि., होटल सूर्यपिनेस, सयाजीगंज, वडोदरा को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितता यह भी कथन करेगा कि क्या यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि न्यायाधीश की मार्फत।

## अनुसूची

पेट्रोलियम एवं खनिज भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 की धारा 3(1) के अंतर्गत अधिसूचना की अनुसूची

क्रम सं.	गांव का नाम	तहसील/तालुका	जिला	सर्वे/ब्लॉक नं.	क्षेत्रफल		
					हेक्टेयर	आर	सेन्टार
(1)	(2)	(3)	(4)	(5)	(6-1)	(6-2)	(6-3)
1	कोयली	बड़ौदा	बड़ौदा	968	00	01	00

[सं. 45011/1/94—युएस (पीसी)]  
धर्म पाल गोयल, अरर प्रचिव

New Delhi, the 31st October, 1995

S.O. 2972.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from DAHEJ-GANDHAR to Baroda, VIA. Oil Complex in Gujarat State pipeline should be laid by the Indian Petrochemicals Corporation Ltd.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals

Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Indian Petrochemicals Corporation Ltd., Gandhar Complex, 7th Floor, Hotel Surya Palace, Sayajiganj, Vadodra-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Schedule to Notification Under Section 3(1) of the Petroleum & Minerals (Acquisition of Right of User in Land) Act 1962

Sr. No.	Name of the Village	Tehsil/Taluka	District	Survey/Block Number	Area		
					Hectare	Acre	Centare
1	2	3	4	5	6-1	6-2	6-3
1	Koyali	Baroda		968	00	01	00

[No. 45011/1/94-US (PC)]

D. P. GOEL, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

( स्वास्थ्य विभाग )

नई दिल्ली, 19 अक्टूबर, 1995

क्र. सं. 2973:—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 ( 1956 का 192 ) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद से परामर्श के पश्चात्, उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित जोड़ जोड़ना चाहती है, अर्थात्:—

उक्त अनुसूची के अंत में, निम्नलिखित प्रविष्टियाँ जोड़ी जाएंगी, अर्थात्:—

व्यवस्थापक या आयुर्विभाग संस्था	मान्यताप्राप्त आयुर्विज्ञान शर्हना	संक्षेपितकरण के संक्षेपाक्षर
"बाबा साहेब अमरेन्द्र अस्पताल और चिकित्सा विभाग, मुजफ्फरपुर	डॉक्टर ऑफ मेडिसिन एण्ड डैक्चर ऑफ सर्जरी	एन. बी. बी. - एस.
(यदि शर्हना केवल तब मान्यताप्राप्त रहता होगा जब 1991 को या उसके पश्चात् दान की गई हो)		

[सं. की. 11025/31/95-एम. ई. ( यू जी. )]  
एस. के. मिश्र, डेस्क अधिकारी

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health )

New Delhi, the 19th October, 1995

S. O. 2973.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 ( 1956 of 1956 ), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendment in the First Schedule to the said Act, namely:—

In the said Schedule, at the end, the following entries shall be added, namely:—

University or Medical Institution	Recognised Medical Qualification	Abbreviation for registration
"Bihar Sahasrabudhi University, Munger Bihar	Bachelor of Medicine and Bachelor of Surgery	M. B. B. S.
( This qualification shall be a recognised qualification only when granted on or after 1991 )		

[No. V. 11025/31/95-MH (UG )]

S. K. MISHRA, Desk Officer

कोयला मंत्रालय

नई दिल्ली, 17 अक्टूबर, 1995

क्र. सं. 2974:—केन्द्रीय सरकार, कोयला खान भविष्य निधि स्कीम, 1948 के पैरा 4 के साथ पठित

कोयला खान भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1948 (1948 का 46) की धारा 3 क की धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये सम्बद्ध मान्यताप्राप्त कर्मचारी संगठन से परामर्श करने के, पश्चात्, श्री जी. के. सिंह, कोषाध्यक्ष, कोल माइन्स आफिसर्स एसोसिएशन आफ इंडिया को श्री आर. के. राय जो न्यासी नहीं रह गया है, के स्थान पर न्यासी बोर्ड का न्यासी नियुक्त करती है और भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 1 अक्टूबर, 1994 में प्रकाशित भारत सरकार के कोयला मंत्रालय का अधिसूचना सं. का. आ. 2525, तारीख 1 सितम्बर, 1994 में निम्नलिखित संशोधन करता है, अर्थात् :—

उक्त अधिसूचना में, क्रम संख्यांक 10, 20, 22 तथा 23 और उक्त संबंधित प्रविष्टियों के स्थान पर क्रमशः निम्नलिखित क्रमसंख्यांक और प्रविष्टियां रखी जाएंगी अर्थात् :—

10. श्रम आयुक्त, महाराष्ट्र सरकार, मुम्बई।
20. श्री मोहन झा, महासचिव, संयुक्त खदान मजदूर संघ, कोयला एस्टेट, सिविल लाइन्स, 9 वीं फ्लोर, नागपुर (एम. एस. )।
22. श्री जी. के. सिंह, कोषाध्यक्ष, कोल माइन्स आफिसर्स एसोसिएशन आफ इंडिया डाकवर—यूखरा, जिला बड़ाना, पश्चिम बंगाल।
23. श्री आर. के. मरवाह, अवर मुख्य यांत्रिक इंजीनियर एन. आर. एम. डिजीवन सी. एम. पी. डी. आई. एल., गोडवाना प्लेस, कांके रोड, रांची।

[फा. सं. 20/16/94—ए. एम. ओ.]

पी. के. जो. नागर, अवर सचिव

#### MINISTRY OF COAL.

New Delhi, the 20th October, 1995

S.O. 2974.—In exercise of the powers conferred by sub-section (1) of Section 3A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), read with paragraph 4 of the Coal Mines Provident Fund Scheme, 1948, the Central Government, after consulting the concerned recognised organisation of employees, hereby appoints Shri G. K. Singh, Treasurer, Coal Mines Officers' Association of India, as trustee on the Board of Trustees vice Shri R. K. Roy, who has ceased to be a trustee and makes the following amendments in the Notification of the Government of India in the Ministry of Coal number S.O. 2525 dated the 1st September, 1994, published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 1st October, 1994 namely :—

In the said notification, for the serial Nos. 10, 20, 22 and 23 and entries relating to thereto the following serial Nos. and entries shall respectively be substituted, namely :—

- "10 Commissioner of Labour Government of Maharashtra, Bombay.
- 20 Shri Mohan Jha, General Secretary, Samyukta Khadan Mazdoor Sangh, Coal Estate, Civil Lines, 9th Floor, Nagpur (MS).
- 22 Shri G.R. Singh, Treasurer, Coal Mines Officers' Association of India, P.O. Ukhra, Distt. Burdwan, West Bengal.

23 Shri R. N. Marwah, Addl. CME, NRM Division, CMPDIL, Gondwana Place, Kanke Road, Ranchi"

[F. No. 20/16/94-ASO]  
P.K.G. NAIR, Under Secy

नागर विमानन और पर्यटन मंत्रालय

( नागर विमानन विभाग )

नई दिल्ली, 7 सितम्बर, 1995

का. आ. 2975.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, नागर विमानन तथा पर्यटन मंत्रालय (नागर विमानन विभाग), के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों को जिनके कर्मचारी-वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

भारतीय विमानपत्तन प्राधिकरण  
( राष्ट्रीय विमानपत्तन प्रभाग )

1. देहरादून विमानक्षेत्र
2. ग्वालियर विमानक्षेत्र
3. बीकानेर वैमानिक संचार केन्द्र
4. सिकन्दराबाद वैमानिक संचार केन्द्र
5. लुधियाना वैमानिक संचार केन्द्र
6. चरखो दादरी वैमानिक संचार केन्द्र
7. पंतनगर वैमानिक संचार केन्द्र
8. फर्रुखाबाद वैमानिक संचार केन्द्र
9. प्रागर विमानक्षेत्र
10. जम्मू विमानक्षेत्र
11. रीवा वैमानिक संचार केन्द्र
12. खजुराहो विमानक्षेत्र
13. गोवा विमानक्षेत्र
14. पूणे विमानक्षेत्र
15. बड़ोदा विमानक्षेत्र
16. भुज विमानक्षेत्र
17. जॉमनगर विमानक्षेत्र
18. थोरगावाद विमानक्षेत्र
19. गुवाहाटी विमानक्षेत्र
20. कलकत्ता विमानक्षेत्र
21. भावनगर विमानक्षेत्र।

[संख्या ई. 11011/8/95-हिन्दी]

रघुनाथ सहाय, निदेशक राजभाषा

#### MINISTRY OF CIVIL AVIATION & TOURISM

(Department of Civil Aviation)

New Delhi, the 7th September, 1995

S.O. 2975.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for the Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices under the administrative control of Ministry of Civil Aviation and Tourism (Department of Civil Aviation) the staff of which have acquired the working knowledge of Hindi.



AIRPORTS AUTHORITY OF INDIA  
(NATIONAL AIRPORTS DIVISION)

1. Dehradun Aerodrome
2. Gwalior Aerodrome
3. Bikaner Aeronautical Communication Station
4. Secunderabad Aeronautical Communication Station
5. Ludhiana Aeronautical Communication Station
6. Charkhi Dadri Aeronautical Communication Station
7. Pantnagar Aeronautical Communication Station
8. Farrukhabad Aeronautical Communication Station
9. Agra Aerodrome
10. Jammu Aerodrome
11. Rings Aeronautical Communication Station
12. Goa Aerodrome
13. Khajuraho Aerodrome
14. Pune Aerodrome
15. Baroda Aerodrome
16. Bhuj Aerodrome
17. Jamnagar Aerodrome
18. Aurangabad Aerodrome
19. Guwahati Aerodrome
20. Calcutta Aerodrome
21. Bhavnagar Aerodrome.

[No. F.11011/8/95-Hindi]

RAGHUNATH SAHAJ, Director(O.L.)

संचार मंत्रालय  
( डाक विभाग )

कोची, 18 अक्टूबर, 1995

का. आ. 2976:—केन्द्र सरकार की राय में श्री बी. एस. शशिदेवन, शाखा डाकपाल, पूपारा डाकघर इडुक्की जिला, केरल से संबंधित विभागीय जांच के लिए गवाहों के रूप में

1. श्रीमती कार्थियानी, एडट्टु हाऊस, पूपारा डाकघर शांतनगरा—685619, इडुक्की जिला, केरल
2. श्रीमती एस. चन्द्रा, हाऊस नं. 497, मुल्लन्तण्डु पूपारा डाकघर, शांतनगरा—685619, इडुक्की जिला, केरल
3. श्री टी. बेबिदास, लक्ष्म वीड, पूपारा डाकघर शांतनगरा—685619, इडुक्की जिला, केरल को बुलाना आवश्यक है।

अतः अब विभागीय जांच अधिनियम 1972 (1972 का 18वां) (गवाहों की उपस्थिति का प्रवर्तन एवं दस्तावेजों की प्रस्तुति) की धारा 4 की उपधारा (1) द्वारा प्रदत्त अधिकार का प्रयोग करते हुए केन्द्र सरकार श्री के. नारायणन, उप मंडल निरीक्षक, डाक उपमंडल, कट्टप्पना कट्टप्पना डाकघर—685508 को श्री बी. एस. शशिदेवन, शाखा डाकपाल, पूपारा डाकघर, इडुक्की जिला केरल के विश्व विभागेतर एजेंट (आचरण एवं सेवा) 2569 GI/95-6

नियम, 1964 के नियम 8 के अधीन जांच के संबंध में उक्त अधिनियम की धारा 5 में विनिर्दिष्ट अधिकार प्रयोग करने के लिए, जांच प्राधिकारी के रूप में एडुक्का प्रावि-कृत करती है।

[स. विन/4-4/93]

मीरा दत्ता, पोस्टमास्टर जनरल

MINISTRY OF COMMUNICATIONS  
(Department of Post)  
NOTIFICATION

Kochi, the 18th October, 1995

S.O.2976.—Whereas the Central Government is of opinion that for the purpose of the departmental inquiry relating to Sri V. S. Sasidevan, Branch Postmaster, Poopara PO, Idukki Dist., Kerala it is necessary to summon as witnesses

1. Smt. Karthiyani, Edattu House, Poopara PO, Santhanpara 685619, Idukki Dist., Kerala.
2. Smt. S. Chandra, House No. 497, Mullenthandu, Poopara PO, Santhanpara-685619, Idukki Dist., Kerala.
3. Sri T. Babydas, Laksham Veedu, Poopara PO, Santhanpara-685619, Idukki Dist., Kerala.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 4 of the Departmental Enquiries Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 (18 of 1972) the Central Government hereby authorises Sri K. Narayanan, Sub-Divisional Inspector, Postal Shb-Division Kattannana, Kattannana P.O. 685508 as the Inquiring Authority to exercise the power specified in Section 5 of the said Act in relation to inquiry under Rule 8 of BD Agents (Conduct and Service) Rules, 1964 against Sri V. S. Sasidevan, Branch Postmaster, Poopara P.O., Idukki District Kerala.

[No. Vig/4-4/4/93]

MFERA DATTA, Postmaster General

श्रम मंत्रालय

नई दिल्ली, 13 अक्टूबर, 1995

का. आ. 2998:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकॉम के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, गोवा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-95 को प्राप्त हुआ था।

[संख्या एल-40012/17/94-आई. आर. (डी. यू.)]  
के. वी. बी. उन्नी, डेस्क अधिकारी

## MINISTRY OF LABOUR

New Delhi, the 13th October, 1995

S.O. 2977.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Goa as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom and their workmen, which was received by the Central Government on 13-11-95.

[No. L-40012/17/94-IR (DU)]  
K. V. B. UNNY, Desk Officer

## ANNEXURE

IN THE INDUSTRIAL TRIBUNAL  
GOVERNMENT OF GOA  
AT PANAJI.(BEFORE SHRI AJIT J. AGNI, HON'BLE PRESIDING  
OFFICER)

REF. No. IT/18/95

Shri Basu T. Bomani, Rojorda—Goa.

.. Workman/Party I

Vs.

1. The Telecom District Manager,

2. The Sub-Divisional Officer, Phones, Vasco—Goa.  
.. Employer/Part II

Party I—Workman absent.

Party II—Employer represented by Adv. Y. M.  
Bodhankar/Adv. S. Joshi.

Panaji, the 20th July, 1995

## AWARD

In exercise of the powers conferred by clause (d) of Sub-Section (1) and Sub-Section 2A of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14, of 1947) the Central Government by its order dated 23-2-95 bearing No. L-40012/17/94-IR(DU) referred the following dispute for adjudication by this Tribunal.

"Whether the action of the Department of Telecom District Manager Panjim-Goa and Sub-Divisional Officer, Phones, Vasco-da-Gama, (Goa) in stopping from services to Shri Basu T. Lamani, ex-casual mazdoor w.e.f. 30-5-1989 is justified and proper? If not, to what relief the workman is entitled?"

2. On receipt of the reference a case was registered under No. IT/18/95 and Registered A/D notices were issued to the parties requiring them to attend the hearing fixed on 12-5-95, at 10.30 a.m. Both the parties were duly served with the notice. On the date of hearing the Party I (For short, 'Workman') remained absent and the Party II (For short, 'Employer') was represented by Adv. Shri Shashikant Joshi. Since the workman was absent the case was adjourned to 12-6-95 for filing the statement of claim by the workman. However, on this date also, the workman remained absent and therefore, final opportunity was given to the workman to file statement of claim on 10-7-1995. However, on this date also the workman remained absent and no statement of claim was filed on his behalf. Adv. Y. M. Bodhankar representing the employer submitted that since it was the case of the workman that his services were illegally terminated by the Employer it was his duty to file the statement of claim in support of his contention. He submitted that the Employer did not desire to file any statement of claim or written statement and award be passed holding the action of the Employer in terminating the services of the workman as legal and justified.

3. The reference of the dispute has been made by the Central Government at the instance of the workman since he challenged the action of the Employer in stopping his services with effect from 30-5-1989 and as such he raised an industrial dispute. The Bombay High Court, Panaji bench in the case of V.M.S. Engg. & Services V/s. Industrial Tribunal, Goa, Daman and Diu and another reported in FIR Vol. 71 at page 393 has held that there is nothing in the Industrial Disputes Act, 1947 that indicates a departure from the general rule that he who approaches a Court for a relief should prove his case i.e. the obligation to lead evidence to establish an allegation made by a party is on the party making the allegation, the test being that he who does not lead evidence must fail. Their Lordships of the Bombay High Court further held that the provisions of Rule 10-B of the Industrial Disputes (Central Rules 1957) which requires the party raising a dispute to file a statement of demands relating only to the issue in the order of reference for adjudication within 15 days from the receipt of the order of reference and forward copies to the Opposite party

involved, clearly indicates that the party who raises the industrial dispute is bound to prove the contention raised by him and an industrial Tribunal or Labour Court would be erring in placing the burden of proof on the other party to the dispute. In another case, i.e. in the case of V. K. Raj Industries v/s Labour Court (I) and others reported in 1961 (29) PLR 194, the Allahabad High Court has held that the proceedings before the Industrial Court are judicial in nature even though the Indian Evidence Act is not applicable to the proceedings before the Industrial Court, but the principles underlying the said Act are applicable. The High Court has further held that it is well settled that if a party challenges the validity of an order, the burden lies on him to prove the illegality of the order and if no evidence is produced the Party invoking the jurisdiction must fail. The High Court has also held that if the workman fails to appear or to file written statement or produce evidence, the dispute referred by the Government cannot be answered in favour of the workman and he will not be entitled to any relief. I am entirely in agreement with the said decision of the Allahabad High Court.

4. In the present case, since the dispute was raised by the workman and that it is at his instance that the reference was made by the Government the burden was on the workman to prove that the action of the employer in terminating his services w.e.f. 30-5-89 was not proper and justified. However, the workman inspite of having been given several opportunities to file the statement of claim did not do so nor produced any evidence. In fact, the workman right from the first date of hearing did not participate in the proceedings. Therefore, there is no material before me to hold that the action of the Employer in terminating the services of the workman was not justified and proper. In the absence of any evidence it cannot be held that the action of the Employer in terminating the services of the workman is illegal. In the circumstances, I hold that the workman has failed to prove that the action of the Employer in stopping his services w.e.f. 30-5-89 is not justified and proper and hence I pass the following order.

## ORDER

It is hereby held that the action of the Department of Telecom District Manager, Panjim-Goa and Sub-Divisional Officer, Phones, Vasco-da-Gama, (Goa) in stopping the services of Workman Shri Basu T. Lamani ex-casual mazdoor with effect from 30-5-1989 is justified and proper.

No order as to costs. Inform the Central Government accordingly.

AJIT J. AGNI, Presiding Officer

नई दिल्ली, 13 अक्टूबर, 1995

का. आ. 2978:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पोस्ट आफिस के प्रवन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-10-95 को प्राप्त हुआ था।

[संख्या एल-40012/40/89-आई. आर. (डी. यू.)]  
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 13th October, 1995

S.O. 2978.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Ahmedabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of the Postal Department for appointment of ED agents. This Central Government on 12-10-95.

[No. L-40012/40/89-IR(DU)]  
K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SHRI H.D. PANDEY, PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL, AHMEDABAD  
Ref. (ITC) No. 18 of 1990  
ADJUDICATION

## BETWEEN

Superintendent of Post Office, Gandhinagar ... First party.

## AND

Mr. Mukesh Ratilal Nayak,  
C/o Mr. Kirit C. Shah,  
11, Delux Apartment,  
Opp. Sabar Flats,  
Narayannagar Road,  
Chandranagar,  
Paldi, Ahmedabad.

... Second party.

In the matter of Termination of Shri Mukesh Ratilal Nayak,  
Sardhav Post Office, Sardhav, Gandhinagar.

## APPEARANCES :

Shri P. I. Shah & R. S. Munshi, Advocates, for the  
first party.

Shri Kirit C. Shah, Advocate, for the second party.

## AWARD

This industrial dispute between the Superintendent of Post Office, Gandhinagar and Shri Mukesh R. Nayak, AT & P.O. Sardhav Nayak Vas, Sardhav, Gandhinagar was referred for adjudication u/s 10(1) of the I.D. Act, 1947 to the Industrial Tribunal, Ahmedabad by the Desk Officer, Govt. of India, Ministry of Labour, New Delhi's Order No. L-40012/40/89-IR(DU) dt. 30-10-89. Thereafter by an appropriate Government order it has been referred to this Tribunal. The terms of reference is as under :—

"Whether the action of the management of Superintendent of Post Offices in terminating the services of Shri M.R. Nayak is justified? If not what relief the workman is entitled to?"

2. The workman Shri Navak has filed his statement of claim at Ex. 13. He has alleged in his statement of claim that Shri M. R. Nayak was his elder brother. He was serving as ED Packer Sardhav P.O. on 22-5-1987, while he was on duty expired and so he was employed as ED Packer by Sub-Divisional Inspector (P) Gandhinagar and that since 23-5-1987 he was serving as ED Packer in Sardhav P.O. He further alleged that he continued in service since 23-5-1987. Thereafter on 7-11-88 he was removed from service. At the time of his removal, no notice was given to him, nor any notice pay was given to him. He has served for more than 240 days and that he was in continuous service and so the termination of his service is illegal and invalid. He therefore requested the first party Department to reinstate him in service with full back wages. However, they did not pay any heed and so Shri Nayak made a complaint to the Ministry of Labour, Govt. of India. However, no settlement was arrived at in the conciliation proceedings and the above Industrial Dispute was raised and the reference was made.

3. The first party has filed the written statement at Ex. 9. They have denied the allegations made by Shri Nayak in his statement of claim. They have contended that Shri Nayak was taken upto work as ED Packer, Sardhav Post Office w.e.f. 23-5-1987 by SPM Sardhav, purely on stop-gap arrangement resulted due to the sudden death of Shri A.R. Nayak. This appointment was made for running the day to day functions of the post office. They however, contended that certain procedure has been prescribed for recruitment of the ED packers and thereafter after fulfilling the procedure one Shri R.B. Parmar was selected and he was appointed in place of Shri Nayak, on 22-10-1988 and that Shri Nayak was removed from service on 7-11-1988. It has further contended that Shri Nayak was illegally appointed and so the question of issuing notice and payment of notice pay does not arise. They

therefore urged that though Shri Nayak has worked for more than 240 days his appointment was purely a stop-gap arrangement and was prolonged due to administrative reasons and so he is not entitled for regular appointment. They therefore urged to dismiss the reference of Shri Nayak.

4. The concerned workman Shri M. R. Nayak was examined at Ex. 33. The first party has examined Shri P. Natvarlal at Ex. 38. No other witness is examined.

5. I heard Shri K. C. Shah, learned advocate appearing on behalf of Shri Nayak and Shri Munshi Government Pleader appearing on behalf of the first party. Most of the facts are not disputed which may summarily stated as under :

One Shri A. R. Nayak was the elder brother of the concerned workman Shri M. R. Nayak. He was serving as ED Packer at Sardhav Post Office. He died on 22-5-1987. The concerned workman Shri M. R. Nayak was appointed as ED Packer in place of his brother by the Sub-divisional Inspector (P) Gandhinagar. He was appointed as ED Packer at P.O. Sardhav. On 7-11-88 Shri Nayak was removed from service. He had completed more than 240 days of service. The first party did not give any notice pay or notice at the time of removal of Shri Nayak nor any compensation was paid to him. Shri Nayak therefore challenged the order of his removal from service dt. 7-11-1988. According to him the order regarding his termination is not legal and valid.

6. Now as stated earlier the concerned workman Shri Nayak was serving as ED Packer at Sardhav since 23-5-1987. He was removed from service on 7-11-88. He had already put in more than 240 days in service. His service was continuous. Now according to Sh. K.C. Shah, the learned advocate appearing on behalf of the workman Sh. Nayak that as Shri Nayak has already put in more than 240 days of service at the time of his removal from service on 7-11-1988, the first party should have complied with the provisions of S. 25F of the I.D. Act. However, according to him the first party did not give any notice at the time of termination of service of Shri Nayak nor he was paid any notice pay or compensation and so according to him the termination of Sh. Nayak is illegal and invalid. According to Shri Munshi, the learned advocate appearing on behalf of the Government pleader Shri Nayak was appointed as ED Packer only as stop-gap arrangement and certain procedure is prescribed for appt. of ED Packer and at the time of appointment of Shri Nayak as ED Packer such procedure was not followed and so later on the first party appointed one Shri Parmar as ED Packer at Sardhav Post Office, after following the procedure and so Shri Nayak was removed from service and that as Shri Nayak was appointed on stop-gap arrangement and no notice was required to be served or him nor any notice pay or compensation is required to be paid to him.

7. Now in order to appreciate the above arguments of the learned advocates for the parties it is better first to refer the provisions of Section 25F of the I.D. Act. The Section 25F which is material for our purpose reads as under :

"No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has been expired, or the workman has been paid in lieu of such notice, wages for the period of the notice :

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specifies a date for the termination of service;

fifteen day's average pay (for every completed year

- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to (of continuous service) or any part thereof in excess of six months and

- (c) notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the Official Gazette)."

8. Now as stated earlier Shri Nayak was appointed as ED Packer on 23-5-1987. He was removed from service on 7-11-1988. He had already completed more than 240 days in service. His service was continuous. Therefore, in view of the provisions contained in Section 25F, a notice was required to be served on Shri Nayak at the time of his termination of service and that he was required to be paid notice pay in lieu of one month's notice and retrenchment compensation as provided in Section 25F. However, it is an admitted fact that no notice was given to Shri Nayak at the time of termination of his service nor any notice pay or compensation was paid to him. Therefore the termination of service of Shri Nayak is illegal and invalid.

9. It is, however, the contention of Shri Munshi that Shri Nayak was appointed on stop-gap arrangement. Now there is nothing on record to show that Shri Nayak was appointed on stop-gap arrangement. Even Shri P.N. Bhavsar, who is Sub-Divisional Inspector (P) Gandhinagar has stated in his deposition (Ex. 13). (Cross-Examination) that no written order was issued to Shri Nayak when he was appointed on stop-gap arrangement. Therefore, the contention of the first party that Shri Nayak was appointed on stop-gap arrangement is without any merit and has to be rejected.

10. The next contention of Shri Munshi is that certain procedure is prescribed for appointment of ED Packer and that procedure was not followed at the time of appointment of Shri Nayak and then subsequently after following the procedure one Shri Parmar was appointed as ED Packer in Sardhav Post Office and so Shri Nayak was removed from service. Now it is true that certain procedure has been prescribed by the Postal Department for appointment of ED agents. This procedure is contained in the document which is produced at Ex. 40/1. It can be seen from this document that ED agents has to be recruited through Employment Exchange and procedure for that is prescribed. Now it is an admitted fact that Shri Nayak was not employed through Employment Exchange. However, merely because the first party did not follow the procedure which is prescribed by the Postal authorities for the recruitment of ED agents, the concerned workman Shri Nayak cannot suffer. It is the fault of Postal Authority in not following the procedure which is prescribed by the Postal authority. For that purpose Shri Nayak cannot suffer. It is true that after appointment of Shri Nayak the first party followed the procedure and thereafter one Shri Parmar was selected and thereafter he was appointed as ED agent at Sardhav Post Office. However, as stated earlier the first party did not follow the procedure which is prescribed under Section 25F of the I.D. Act at the time of removal of Shri Nayak and so termination of Shri Nayak is, as stated earlier, illegal and invalid. Therefore, the termination of Shri Nayak cannot be justified. In view of the above there is no merit in the above contention and so it has to be rejected.

11. Thus it is evident from the above that the termination of Shri Nayak is illegal and so Shri Nayak is entitled to re-instatement with full back wages. I therefore, pass the following order.

#### ORDER

The reference is allowed. The first party is directed to reinstate Shri Mukesh Ratilal Nayak with full back wages from the date of his termination till he is reinstated in service. No order as to cost.

H. D. PANDYA, Presiding Officer

28-9-1995.

Ahmedabad,

नई दिल्ली, 13 अक्टूबर, 1995

का. आ. 2979 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाकघर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर

के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-95 को प्राप्त हुआ था।

[संख्या एल-40012/142/93-आई. आर. (डी. यू.)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 13th October, 1995

S.O. 2979.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Post Office and their workmen, which was received by the Central Government on 13-10-95.

[No. L-40012/142/93-IR(DU)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL-CUM-  
LABOUR COURT, KANPUR

INDUSTRIAL DISPUTE NO. 96 OF 1994

In the matter of dispute between :

Sri Trilokchan C/o Sri V. K. Gupta, 2/363, Namnair,  
Agra.

AND

Senior Superintendant, Post Office, Mathura.

#### AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-40012/142/93-I.R.(D.U.) dated 14-11-94, has referred the following dispute for adjudication to this Tribunal :—

"Whether the action of the Senior Suptd. of Post Office Mathura in terminating the services of Shri Trilok Chand, Postman, Aurangabad w.e.f. 25-9-91, is legal and justified? If not, to what relief the concerned workman is entitled for?"

2. In spite of repeated opportunities having been given to the concerned workman, he neither filed any claim statement nor put in appearance in the Tribunal. It appears that he is not interested in the case.

3. Hence my answer to the reference is in the affirmative and against the concerned workman for want of proof. He has not entitled to any relief.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 13 अक्टूबर, 1995

का. आ. 2980 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 14 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ीदा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-10-95 को प्राप्त हुआ था।

[संख्या एल-12012/454/88/डी. 2 (ए) / आई. आर. (डी. 2)]

वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 13th October, 1995

S.O. 2980.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 12-10-1995.

[No. L-12012/454/88-DII(A)/IR(B II)]  
V. K. SHARMA, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, DEOKI  
PALACE ROAD, KANPUR

Industrial Dispute No. 164 of 1988

In the matter of Dispute

#### BETWEEN

Sri Pyarey Lal, S/o Sri Kanhai Lal  
C/o Sri I. R. Chaudhary, Secretary  
Bank of Baroda Employees Union  
Bank of Baroda 89, Civil Lines  
Bareilly.

#### AND

Regional Manager,  
Bank of Baroda,  
Chandragupta Hotel,  
Civil Lines,  
Bareilly

#### AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-12012/454/88-D.2(A) dated 30th November, 1988, has referred the following dispute for adjudication to this tribunal :

Whether the action of the management of Bank of Baroda in terminating the services of Sri Pyarey Lal S/o Kanhaiya Lal w.e.f. 22-3-83 is justified? If not to what relief the workman is entitled?

2. These facts are not in dispute; the concerned workman Pyarey Lal was selected for the post of cash collector in the bank of Baroda on 20-5-77; he had filled an application form, Ext. M.1 being a copy of the same; that in column 27 a quarry made as to whether the applicant has ever been prosecuted at any time. The concerned workman replied it in negative. After this he was given employment on 13-6-77 and was posted at Rampur Branch. On that day too he had filled application form copy of which is Ext. M.2. Once again in column No. 27, the same declaration was made by the applicant. It is further borne out that the FIR U/s 307 I.P.C. was filed against the concerned workman and two others on 10-4-76 at P. S. Prem Nagar Bareilly on the basis of which after investigation a chargesheet was submitted against him. Later on Judicial Magistrate committed the case to the court of Session's for trial on 15-12-76. The Session's Court by judgment and order dated 20-2-1979 had convicted the concerned workman. Criminal appeal No. 82/79 was filed which was allowed by Hon'ble Court on 13-1-88 and the concerned workman was acquitted. It appears that during pendency of this criminal proceedings, the management regularly enquired from the concerned workman about the fate of prosecution. Ultimately on 26-2-80, a show cause notice as to why his services should not be terminated as he has made a false declaration in column No. 27 of the application because a criminal case was pending against him as mentioned above. The concerned workman submitted his reply. Thereafter, yet another show cause notice was issued to him on 21-8-81 to same effect. The concerned workman submitted his reply on 27-1-1981 in which he had made justification for indicating no in column No. 27 of the application. Being not satisfied the concerned workman was fired on 18-4-83. Thereafter instant reference has been raised.

3. In the claim statement it has been alleged that reply to column No. 27 was given under advice of the members of the staff of the bank as he was not conversant with English in which application form was required to be filled. Thus he cannot be said to have knowingly made false declaration. It was further urged that in any case without holding domestic enquiry the services of the concerned workman could not have been determined. As such his termination order is bad in law.

4. The management filed reply in which it has been alleged that the concerned workman has deliberately made false declaration in column No. 27 of the application. That where an employment is secured by making false information in such case there is no need for holding any enquiry before terminating the services as in such a case employment void ab initio.

5. The concerned workman has filed rejoinder in which nothing new facts alleged.

6. Now some thing may be said about delay. Termination took place on 18-4-83, whereas dispute was referred in 1988. For explaining this delay papers have been filed to show that initially the concerned workman had filed civil suit No. 195 of 1983 in Munshi Court at Bareilly, which was decreed on 30-7-85. Civil Appeal No. 90/85 was filed which was allowed on 8-1-86. Second Civil Appeal was dismissed by Hon'ble High Court on the ground that alternative remedy by way of raising industrial dispute was available. In this background the concerned workman initiated conciliation proceedings before ALC(C). Later on the instant reference was made. In my opinion, the above litigation in civil court is ample satisfactory explanation for delay in raising an industrial dispute and as such it cannot be a ground for negating the claim of the concerned workman.

7. Second point which needs consideration is whether actually prosecution was pending against the concerned workman when he filled up two application forms on 20-5-77 and 13-6-77 Ext. M.1 and M.2. Ext. M.32 is the photo copy of judgement dated 20-7-79 of the court of VIII Additional Session's Judge, Bareilly which reveals that committal order was passed on 15-12-76. Thus it is obvious that charge sheet must have been submitted by the Investigating Officer in the court before this date. It is well settled law that prosecution commences from the date of filing of charge sheet and terminate with the delivery of judgement. It is further clear that S.I. No. 653 of 1976 was pending when the two forms were filled on 20-5-77 and 13-6-77 as such I have no hesitation in holding that when the forms were filled prosecution was pending against the concerned workman. Hence obviously he had given a false reply when he answered quarry in column No. 27 in the negative.

8. Next point which needs consideration is as to whether the concerned workman had given this wrong declaration deliberately. Before this tribunal, the concerned workman has come with a plea that he was ignorant of English language and as such he had made declaration on the advice of staff members of the opposite party bank. Actually he had not understood the meaning of quarry. He has supported these allegations by his own oral evidence in this tribunal. I am of the view that this plea and evidence is belied from his own oral statement. As has been said earlier a show cause notice dated 21-8-81 was given to the concerned workman in this regard which is at serial No. 13 of the papers filed by the concerned workman. The concerned workman had sent his reply on 27-9-81, the copy of which is at serial No. 14. Therein he had stated that from the prosecution he understood as to whether he had been convicted or not. As he was not convicted he made this declaration in column No. 27 in negative. This shows that he had knowingly and after fully understanding the purport of quarry made false declaration. Hence as said earlier this answer falsify his plea and evidence. As such it is held that the concerned workman had deliberately made a false statement while making reply to column No. 27 of the form Ext. M-1 and M-2. The authorised representative had drawn my attention to column No. 8 of Ext. M.1 in which quarry regarding nationality was made. The reply was made U.P. From this it is sought to be argued that the concerned workman actually did not understand English language. I do not agree with this contention. It may be said that this wrong declaration would have been made in order to cover up his false statement in column No. 27. It was urged by the authorised representative

for the concerned workman that giving of false statement was misconduct and concerned workman cannot be terminated without holding domestic enquiry. I do not find substantiation in this contention. In the case of Sanjay Kumar Bajpai Versus Union of India, 1994 Lab I.C. (154) NOC (Allahabad), it has been held that where appointment is acquired by furnishing false information, such person can be fired and thereby there is no necessity of holding inquiry further holding of enquiry becomes necessary where there is controversy. In the instant case there is no controversy that the concerned workman had given wrong answer to quarry in column No. 27. Further it is an incident prior to coming in employment As such there was no necessity for holding domestic enquiry.

9. Next it was urged by the authorised representative of the concerned workman that after a lapse about 3 years matter should not have been opened as have been held in *Inderjeet Ghosh Versus Union of India* 1993 (67) FIR 1115 I have gone through this ruling. In my opinion, this ruling does not lay down any general preposition of law. Instead under special facts and circumstances on the case it was ruled that in that case there was no need to open the facts which were given in the form after lapse of three years. Hence, on the strength of this authority alone I am unable to accept the contention raised on behalf of the concerned workman. Further it is not a case in which the management had been sitting pretty and all of sudden reopen the matter after three years. Instead the record reveals that the management had been keeping track with the progress of criminal case which was pending against the concerned workman.

10. Next reliance was placed on the of *Neera Mathur Versus Life Insurance Corporation of India* 1993 (66) FLR 859. In this case a lady was asked to give a declaration as to whether at the time of filling application she was in the family way. She had made a false declaration and on the basis of such declaration her services were sought to be dispensed. Supreme Court had held that such declaration was against modesty and self respect of a Female and as such, quarry should be deleted and would not from a ground of termination of her services. It is obvious that this ruling will have no application to the facts of present case where the quarry in column No. 27 is not such which may affect the self respect of the workman.

11. The net result of the above discussion is that the concerned workman had made a deliberate false statement in column No. 27 of Ext. M.1 and Ext. M.2 and for which a show cause notice was also given. This also negates the plea that the principle of natural justice as enshrined in *Audi Alteram Partem* were not followed. There was no need to hold regular domestic enquiry. As such the misconduct of giving of false statement was duly proved against the concerned workman.

12. Now the question is about the quantum of punishment I am of the view that giving of false statement should not be deemed to be such a grave misconduct which may be visited with extreme punishment of termination of services specially in view of the back ground that he had been fully acquitted by the Hon'ble High Court in the case which had originated from the prosecution. I think it would meet the ends of justice if the concerned workman is deprived of all the back wages till the date of reinstatement. However, he should be reinstated in the service within a month from the date of publication of award.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 13 अक्टूबर, 1995

का. आ. 2981 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-10-95 को प्राप्त हुआ था।

[संख्या एल-12012/260/93-आई. आर. (बी. 2)]

बी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 13th October, 1995

S.O. 2981.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 12-10-1995.

[No. L-12012/260/93-IR(B.II)]

V. K. SHARMA, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER-  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 20 of 1994

In the matter of dispute between :

Shri Anant Lal through Shri V. N. Sekhari, 26/104,  
Birhana Road, Kanpur.

AND

Chief Manager, Punjab National Bank, Nayaganj, Kanpur.

#### AWARD

1. The Central Government, Ministry of Labour vide its Notification No. L-12012/260/93-I.R.B-2 dated 4-3-94, has referred the following dispute for adjudication to this Tribunal :—

"Whether any employer-employee relationship exists between the management of Punjab National Bank, Kanpur and Shri Anant Lal? If so, whether the action of the management is terminating his services with effect from 14-6-1989 is justified? If not, what relief is the workman entitled to?"

2. In spite of repeated opportunities, having been given to the concerned workman, he neither filed any claim statement nor put in appearance in the Tribunal. It appears that he is not interested in the case.

3. Hence my answer to the reference is in the affirmative and against the concerned workman for want of proof. He has not entitled to any relief.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 13 अक्टूबर, 1995

का. आ. 2982 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ौदा के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, स. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-10-95 को प्राप्त हुआ था।

[संख्या एल-12012/311/92-आई. आर. (बी. 2)]

बी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 13th October, 1995

S.O. 2982.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 12-10-95.

[No. L-12012/311/92-IR(B.II)]

V. K. SHARMA, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 2, BOMBAY

## PRESENT:

Shri S. B. Panse, Presiding Officer.  
Reference No. CGIT-2/11 of 1993

Employers in relation to the Management of Bank of  
Baroda.

## AND

Their Workmen.

## APPEARANCES:

For the Management: Shri S. K. Talsania and Shri V. H.  
Kantharia, Advocates.

For the Workmen: Shri M. B. Anchan, Advocate.  
Bombay, dated 26th September, 1995

## AWARD

The Government of India, Ministry of Labour by its letter  
No. I-12012/311/92-IR(B.II), dated 16-2-93 had referred to  
the following Industrial Disputes Act for adjudication:

"Whether the claim of Bank of Baroda Employees Union,  
Bombay, that S/Shri Dilip Vadodaria and S. T.  
Chhad are entitled to have continuity of service and  
seniority counted from the date of their initial ap-  
pointment in the Overseas Branch of the Bank of  
Baroda, is justified? Are the workmen entitled for  
pay and allowances for the period from the date of  
their retrenchment from overseas branch to the date  
of re-employment in India and have their pay fixed  
taking into account their past service? What relief,  
if any, are the workmen entitled to?"

2. Dilip Vadodaria, the worker had joined the Bank's services  
as a Clerk at its Salalah Branch, Sultanate of Oman as a  
local recruit on 4-11-79. Likewise, Shri S. J. Chhad the other  
worker joined the services of the Bank as a Clerk at Muscat  
Branch, Sultanate of Oman as a local recruit on 21-8-76.  
Shri Chhad was promoted as a Special Assistant in the year  
1982.

3. In the year 1983 the Government of Sultanate of Oman  
had taken a decision to ensure 90 per cent of the Banks staff  
of local origin. Sensing the retrenchment the staff stationed  
at Sultanate of Oman and U.A.E. made representations to  
the Bank to absorb them in any branches in the neighbouring  
Gulf countries or in India. After several representations from  
the Bank staff, the Vice President of the Bank of Baroda,  
UAE Branch, had agreed to consider the representations of  
the staff for their absorption in the event of retrenchment on  
the basis of the guidelines issued by the Government of India,  
Ministry of Finance (Banking Division).

4. Dilip V. the worker was retrenched on 7-11-87 and  
Chhad on 28-9-87. After receipt of the retrenchment notice  
the employees once again made the representations to the  
Bank to absorb them in any branch of the Bank. The Bank  
took considerable time and finally re-appointed them as fresh  
recruits in the clerical cadre. Shri Vadodaria was re-appointed  
as a Clerk on 20-6-88 and Shri Chhad was re-appointed as  
a Clerk on 19-4-88.

5. The workers contended that they were not given the  
benefits of the past services. Their pay was not protected  
on re-appointment. They were also not given seniority and  
fixation of pay. They were not paid wages during the inter-  
vening period from the date of their retrenchment till the  
date of their re-appointment.

6. The Union for the workmen contended that the action  
of the management is unjust and discriminating. It is pleaded  
that when other employees who were retrenched from the  
Gulf countries were re-appointed in other Gulf countries or  
in India, their pay was protected and they were given seniority  
as per the service. According to Union by not giving the  
same benefits to those two workers is a discrimination, illegal  
and not justified.

7. The Union contended that the employees were forced  
to accept the re-appointment with initial pay. Since their  
absorption was delayed by the Bank and since the Bank  
refused to protect their pay and seniority, considering their  
age and family they have to accept re-appointment offer  
given by the Bank. It is admitted that the Bank had taken  
into account their past services for appearing for selections  
to the post of Officers, but so far as Officer's benefit is con-  
sidered the bank declined to do so. It is averred that these  
workers are entitled to the benefits of their past services, for  
fixation of pay and seniority. They are also entitled for the  
wages of the intervening period. They prayed for the said  
reliefs.

8. Bank resisted the claim by their written statement Ex. 3.  
It is averred that these two workers were locally recruited.  
Their contract was on a different terms. It is averred that  
the Criteria for recruitments in Gulf countries and that of  
in India are different. It is pleaded that the promotion of  
Special Assistant could not be achieved in India within  
6 years, looking to the strength of the employees and the  
availabilities of the higher posts. It is pleaded that as per  
the decision of the State of Oman the workers were required  
to be retrenched. In view of the directions of the Finance  
Ministry, their cases were sympathetically considered and they  
were given fresh appointments in the initial state. It is  
averred that the workers accepted the same and worked for  
three years and now had raised dispute which is illegal. It  
is asserted that the action of the workers and the union  
is unjust and uncalled for.

9. The Bank contended that the examples cited by the  
union are not correct. It is pleaded that they never discrim-  
inated one worker from the other. It is submitted that S. J.  
Chhad has resigned from the Bank on 15-1-92 before the  
reference was sent for adjudication. Therefore, he is not  
entitled to any reliefs. It is submitted that the claim which  
is made by the Union is unjustified and the reference may be  
rejected.

10. The Union filed rejoinder at Ex. 4 and asserted their  
earlier contentions.

11. The issue that fall for my consideration and my find-  
ings thereon are as follows:

## ISSUES

## FINDINGS

- Whether the claim of the  
Bank of Baroda Employees  
Union, Bombay that S/Shri  
Dilip Vadodaria and  
S. T. Chhad are entitled to  
have continuity of service  
and seniority continued  
from the date of their  
initial appointment in the  
overseas branch of the  
branch to the date of fresh  
employment in India?
- Whether it is proved that the  
workmen are entitled for pay  
and allowances for the period  
from the date of their retren-  
chment from the overseas  
branch to the date of fresh  
employment in India?

No

- Whether they are entitled  
to get their pay fixed  
taking into account their  
past services?

No

- If not, what relief the  
workmen is entitled to?

Does not survive.

## REASONS

12. Dilip Vadodaria one of the worker lead evidence at  
Ex. 6. It is not in dispute that Shri Chhad the other worker  
resigned from the Bank services on 15-1-92. General Man-  
ager G. P. Wagle lead evidence on behalf of the management.  
Both the parties relied on the documents at Exs. 5 and 9.  
Both the parties filed their written arguments.

13. Some of the facts can be said to be undisputed:



1. The concerned workman viz. S/Shri Dilip Vadodaria and S. J. Chhad were locally i.e. directly recruited at Oman. Musket branch of the Bank.

2. Services of both the workmen apart from others, came to be terminated on account of the policy of the Government of Oman to fill up 90 per cent of the total strength from amongst Oman nationals. Both the workmen were paid their legal dues as per the contract of employment.

3. The service conditions of both the workmen during their employment at Oman, Musket were governed by their individual contract of employment and local laws of Oman. All promotions, appointments to posts carrying special allowances etc. were on the basis of seniority of the employees at Oman, Musket only.

4. Neither of the workmen concerned in the reference challenged their termination of service by the Oman branch of the bank and both of them accepted the termination of their contract of employment as valid, legal and justified.

5. However, both of them and several other employees who were locally recruited at Oman and whose contract of employment came to be terminated in view of the Government of Oman Policy, made representations to various authorities for their absorption in India on such terms and conditions as the Bank deem fit. The Government of India also requested the Bank to consider sympathetically the cases of the persons whose services were terminated at Oman and who were seeking absorption in India.

6. Both S/Shri Dilip Vadodaria and S. J. Chhad accepted employment with the Bank in India on the terms and conditions that they may be appointed as fresh recruits on the starting pay and accordingly Shri Dillip V. was appointed as a clerk with effect from 20-6-88 and Shri S. J. Chhad was appointed as a clerk on 18th of April, 1989.

7. Thus having secured re-employment on the clear agreement that they would not claim any benefits of past services, nearly three years after their fresh appointment, the present industrial dispute has been raised. Both the workmen had not only expressly accepted the fresh appointment but have in fact worked as such for 3 years.

14. The workers admittedly send an application to the management for absorbing then in other Gulf countries or in India. They nowhere stated that while doing so they should remain in the same category. It is pertinent to note that when the workers were retrenched they received all monetary benefits. It is rightly argued on behalf of the management by claiming the reliefs which the workers are claiming is challenging the retrenchment order. They have specifically done so. As such they are not entitled to the relief as claimed. It is further argued that the order of retrenchment was passed in view of the rules framed by the Oman State. The worker in the Statement of Claim also accepted the position that due to the change of the rules namely 90 per cent staff was to be appointed from that origin state-wise retrenchment orders were passed. Under such circumstances the other way adopted by the worker to challenge the retrenchment cannot be accepted.

15. From the letter of appointment to the worker and its acceptance by them it is clear that they agreed to be absorbed as a fresh employee. He worked in that capacity for three years and then tried to raise

the industrial dispute which he is not entitled to. It is rightly urged on behalf of the management that now he is estopped from raising the said contentions. The management submitted that the case of these workers were sympathetically considered, in view of the directions given by the Finance Ministry. It is not in respect of these particular workers but, it was in respect of the all employees who were required to be retrenched due to the change of policy of the Gulf countries. I find substance in it.

16. It is also tried to argue on the basis of the evidence of Wagle that the criteria for recruitment in India and in Gulf countries is different. He further affirms that it is not possible for a person who works in India, to get the post of Special Assistant within 6 years, but that was possible so far as a first worker is concerned. It was possible for him because he recruited and served at Oman. This is not challenged by the worker. It is rightly argued that if seniority is to be given to those workers, then it will effect the employees who are recruited in India.

17. It can be seen that the recruitment in the Gulf countries and that in India is on different footing. It is not that they are transferred from one place to another. The workers were employed on a contract basis. Their terms of contract are quite different. It is rightly argued on behalf of the management that while absorbing these workers it was only a sympathetic view towards them, they have to see that there should not be any additional financial loss to the Bank nor it is prejudicial to the employees of the Bank of India.

18. Dilip Vadodaria had affirmed that some of the workers who were serving at Gulf countries were retrenched and were re-appointed. While doing so their earlier services were taken into consideration. Their pay was protected. In the cross-examination he had admitted that he had no documentary evidence to support these contentions. It is pertinent to note that Wagle had admitted the letters produced along with Ex. 9/2 & 3. In this letter it is tried to mention that those 2 workers who were already retrenched were re-appointed and their pay was fixed at 11th stage. On its basis it is tried to argue by the worker that there is a discrimination between the 2 workers. I am not inclined to accept this submission because while fixing the pay at that stage what consideration were before the management has not come to the record. Furthermore the conduct of the worker has to be seen. They have accepted the re-appointment at the initial stage of the employment. It is not that while accepting the appointment letter they raised the objection and prayed for fixation of the pay on the basis of their earlier services. They have not done so for three years, their conduct itself goes to show that they accepted whatever given to them.

19. It is not in dispute that their service period was taken into consideration. While considering the case for Officers post. So far as Chhad is concerned he had already resigned. He had not enter into the witness box also. The worker who affirms had no authority, to affirm for Chhad. In other words there is no evidence on behalf of Chhad.



20. For all these reasons I record my findings and my points accordingly and pass the following order :

### ORDER

1. The claim of Bank of Baroda Employees Union, Bombay that S/Shri Dilip Vadodaria and S. J. Chhad are entitled to have continuity of service and seniority continued from the date of their initial appointment in the overseas branch of the Bank of Baroda is not justified.
2. The workmen are not entitled for pay and allowances for the period from the date of their retrenchment from the overseas branch to the date of fresh employment in India.
3. They are not entitled to pay fixed taking in'o account their past services.
4. No order as to costs.

S. B. PANSE, Presiding Officer.

नई दिल्ली, 16 अक्टूबर, 1995

का. आ. 2983.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिजर्व बैंक आफ इण्डिया के प्रबन्धनत्र के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-95 को प्राप्त हुआ था।

[संख्या एल-12012/51/89—आई. आर. बी. आई.]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 16th October, 1995

S.O. 2983.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Reserve Bank of India and their workmen, which was received by the Central Government on the 13-10-95.

[No. 12012/51/89-IRB]

P. J. MICHAEL, Desk Officer

### ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. NO. 93/89

In the matter of dispute between :

Shri I.P. Mago, coin note examiner through the Secretary, Reserve Bank of India Employees Union, RBI Parliament Street, New Delhi.

2569 GI/95—7

Versus

The Manager,  
Reserve Bank of India,  
Parliament Street,  
Delhi.

### APPEARANCES :

Shri S.L. Kaushik with the workman.

Shri R. Mendiratta for the management.

### AWARD

The Central Government is the Ministry of Labour vide its Order No. L-12012/51/89-IR(B)-I dated 26-9-89 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Reserve Bank of India, New Delhi, in awarding the punishment to Shri I.P. Mago, coin note examiner by way of reducing his substantive pay by 2 stages in the scale of Rs. 650-35-790-40-830-45-875-50-925-55-1145-60-1265-70-1335-85-1420-100-1820 vide order dated 20-7-87 is justified, if not to what relief the workman is entitled to."

2. The case was fixed for arguments when an application was filed by the workman and also his representative Secretary Reserve Bank Employees Union to withdraw the case as they were not interested in pursuing the case further. The management representative also made statement accordingly.

3. In view of this situation a No Dispute Award is given in this case leaving the parties to bear their own costs.

GANPATI SHARMA, Presiding Officer  
7th September, 1995.

नई दिल्ली, 16 अक्टूबर, 1995

का. आ. 2984.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे के प्रबन्धनत्र के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-95 को प्राप्त हुआ था।

[संख्या एल-41012/82/91—आई. आर. बी. आई.]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 16th October, 1995

S.O. 2984.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal,

Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Rly. and their workmen, which was received by the Central Government on the 13-10-95.

[No. L-41012|82|91-IRB-I]  
P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SRI B.K. SRIVASTAVA, PRESIDING  
OFFICER, CENTRAL GOVERNMENT IN-  
DUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 93 of 1992

In the matter of dispute between :

Shri Surendra Singh, President,  
Rashtriya Chaturth Shraini Rail Mazdoor  
Congress,  
4, Heerapura, Nagra,  
Jhansi

AND

The Divisional Railway Manager,  
Central Railway,  
Jhansi.

#### AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-41012|82|91-IR.(D.U) dt. 14-8-92, has referred the following dispute for adjudication to this Tribunal—

“Whether the action of the Management of Divisional Railway Manager, Central Railway, Jhansi in not fixing the seniority of Shri Satya Prakash Srivastava, which has resulted in his non-promotion, legal and justified ? If not, to what relief the workman is entitled to?”

2. In spite of repeated opportunities, having been given to the concerned workman, he neither filed any claim statement nor put in appearance in the Tribunal. It appears that he is not interested in the case.

3. Hence my answer to the reference is in the affirmative and against the concerned workman want of proof. He has not entitled to any relief.

4. Reference is answered accordingly.

Dated : 29-9-95.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 1995

का. आ. 2985.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्थ ईस्टर्न रेलवे के प्रबन्धन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार सरकार को 13/10/95 को प्राप्त हुआ था।

[संख्या एल-41012/32/93-आई आर बी-1]  
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 16th October, 1995

S.O. 2985.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of North East Rly. and their workmen, which was received by the Central Government on the 13-10-95.

[No. L-41012|32|93-IRB-I]  
P. J. MICHAEL, Desk Officer  
ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING  
OFFICER, CENTRAL GOVERNMENT IN-  
DUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 3 of 1995

In the matter of dispute between :

General Secretary,  
P.R.S. Sangh,  
6, Naveen Market,  
Keshar Bagh,  
Lucknow.

AND

District S&T Engineer (Const.)  
Northern Eastern Railway  
Ashok Marg,  
Lucknow.

#### AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-41012|32|93-IRB-3) dated 23-12-1994, has referred the following dispute for adjudication to this Tribunal :—

Whether the demand of the Union for regularisation of Shri Parasnath Verma as MSM from the dates his juniors have been regularised/promoted as FSM.” It justified. If so, what relief he entitled to ?

2. In spite of repeated opportunities, having been given to the concerned workman, he neither filed any claim statement nor put in appearance in the Tribunal. It appears that he is not interested in the case.

3. Hence my answer to the reference is in the affirmative and against the concerned workman

for want of proof. He has not entitled to any relief.

4. Reference is answered accordingly.  
29th September, 1995

B. K. SRIVASTAVA, Presiding Officer  
नई दिल्ली, 16 अक्टूबर, 1995

का. मा. 2986.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचसट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/10/95 को प्राप्त हुआ था।

[संख्या एल-41011/46/90-आई आर बी आई]  
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 16th October, 1995

S.O. 2986.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Rly and their workmen, which was received by the Central Government on the 18-10-95.

[No. L-41011/46/90-IRBI]  
P. J. MICHAEL, Desk Officer.

#### ANNEXURE

BEFORE SRI B K SRIVASTAVA PRESIDING  
OFFICER CENTRAL GOVERNMENT INDUS-  
TRIAL TRIBUNAL CUM LABOUR COURT  
PANDU NAGAR KANPUR

Industrial Dispute No. 151 of 1991

In the matter of dispute between :  
Assistant General Secretary  
Uttar Railway Karamchhari Union  
39-II-J Multistoried Colony,  
Charbagh Lucknow.

AND

Senior DCS  
Northern Rly.  
Moradabad.

#### AWARD

1. Central Government, Ministry of Labour, vide its notification no. L-41011-IRDU dt. 18-9-91, has referred the following dispute for adjudication to this Tribunal:—

Whether the DPO and DCS Northern Rly. Moradabad are justified in terminating the services of S/Sri Radhey Shyam, S/o

Sri Bhagwati Prasad and Rais Ahmad S/o Hussain Ahmed w.e.f. 1-7-83 ? If not, what relief the workmen concerned are entitled to ?

2. In the present case the authorised representative for the Union moved an application on 14-8-95 stating that since the matter is pending before the Hon'ble Supreme Court as such case is not pressed and permission to withdraw the case be accorded.

3. In view of above submission on behalf of the Union, the case is treated as withdrawn holding that the concerned workmen are entitled to no relief in the present case.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 1995

का. मा. 2987.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बरेली कारपोरेशन बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचसट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/10/95 को प्राप्त हुआ था।

[संख्या एल-12011/41/89-आई आर बी आई]  
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 16th October, 1995

S.O. 2987.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bareilly Corpn. Bank and their workmen, which was received by the Central Government on the 13-10-95.

[No. L-12011/41/89-IRB]  
P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING  
OFFICER CENTRAL GOVERNMENT INDUS-  
TRIAL TRIBUNAL CUM LABOUR COURT,  
PANDU NAGAR, KANPUR

Industrial Dispute No. 250 of 1989

In the matter of dispute between:  
Shri Rishi Kumar Rastoge

C/o Shri V N Sekhari,  
26/104 Birhana Road.  
Kanpur.

AND

General Manager,  
Bareilly Corporation Bank Ltd.,  
Head Office,  
Bareilly.

### AWARD

1. The Central Government, Ministry of Labour vide its notification no. L-12011/41/89. IR Bank. I dated 5-10-1989, has referred the following dispute for adjudication to this Tribunal:—

“Whether the action of the management of Bareilly Corporation Bank Ltd. in terminating the service of Shri Rishi Kumar Rastogi was justified if not to what relief the workman concerned is entitled?”

2. There is no need of giving details of the case as the concerned workman did not turn up to give his evidence. It appears that the concerned workman is not interested in prosecuting the case.

3. Therefore, it is held that the concerned workman is not entitled to any relief for want of evidence.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 1995

का. आ. 2988.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेनवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/10/95 को प्राप्त हुआ था।

[संख्या एल-41012/141/92—आईआरबीआई]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 16th October, 1995

S.O. 2988.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of N. Rly. and their workmen, which was received by the Central Government on the 13-10-95.

[No. L-41012/141/92-IRBI]  
P. J. MICHAEL, Desk Officer

### ANNEXURE

BEFORE SRI B K SRIVASTAVA PRESIDING  
OFFICER CENTRAL GOVERNMENT IN-  
DUSTRIAL TRIBUNAL CUM LABOUR  
COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 118 of 1993

In the matter of dispute between:

The Assistant General Secretary,  
URKU 39-II-J Multistoreyed Colony,  
Charbagh, Lucknow.

AND

The Dy. Chief Signal Telecom Engineer  
(Const),  
Northern Railway,  
Charbagh, Lucknow.

### AWARD

1. The Central Government, Ministry of Labour vide its notification no. L-41012/141/92-IR(DU) dt. 15-12-93. has referred the following dispute for adjudication to this Tribunal.

“Whether the action of Dy. Chief Signal Telecom Engineer (Construction) Northern Railway Charbagh, Lucknow in not counting the service of Shri Ram Autar Singh Ex-Khallasi w.e.f. 15-11-71 for the purpose of granting pensionary benefit is legal and justified? If not to what relief the workman is entitled?”

2. In spite of repeated opportunities, having been given to the concerned workman, he neither filed any claim statement nor put in appearance in the Tribunal. It appears that he is not interested in the case.

3. Hence my answer to the reference is in the affirmative and against the concerned workman for want of proof. He is not entitled to any relief.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 1995

का. आ. 2989.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ सोराष्ट्र के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/10/95 को प्राप्त हुआ था।

[संख्या एल-12012/130/90—आईआरबीआई]  
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 16th October, 1995

S.O. 2989.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.B. of Saurashtra and their workmen, which was received by the Central Government on the 13-10-95

[No. L-12012|130|90-IR (B.I)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 193 of 1990

In the matter of dispute between :

H. S. Gupta, S/o Sri Siya Ram Gupta, C/o Laxman Sharma 106|162, Gandhi Nagar, Kanpur.

And

Regional Manager, State Bank of Saurashtra, 24A Gobul A/24 Swastik Society, Navrangpura, P B No. 5, Ahmedabad.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-12012|130|90-I.R.(B-3) dt. 10th September, 1990, has referred the following dispute for adjudication to this Tribunal—

“Kya State Bank of Saurashtra ke prabandhakon dwara Sri H. S. Gupta, Bhootpurva Teller Kanpur Shakha ko naukari se patra sankhya A-II : CON : 621 dinank 4-7-87 dwara barkhast kardene ki karyawahi kanooni avam nyayochit hai ? Yadi nahi to sambandhit karmkar kis anutosh ke haqdar hai” ?

2. The concerned workman was working as Teller since 1972 in the Naisarak Branch of opposite party State Bank of Saurashtra. In this very bank he had Savings Bank Account No. 1000, in the name of his minor son Ritesh Kumar in which there was a balance of Rs. 107.42 paisa. In the earlier folio the above mentioned amount was inflated to Rs. 2107.42 paisa by prefacing the figure ‘2’ in Rs. 107.42 paisa in the ledger. On the basis of this inflation the concerned workman withdrew Rs. 2000 between 1-12-82 to 11-12-82 on different dates and deposited the same in his current account no. 570 in the same

branch. It appears that the concerned workman could not stomach misappropriation of Rs. 2000 he deposited the same on 6-6-83. In the meantime the relevant entry in the ledger was also scored out.

3. In respect of the above incident the concerned workman was issued a chargesheet on 31-12-85 in which another charge was also added. The concerned workman submitted his reply, the copy of which has not been filed before this tribunal. Sri C. T. Kothari was appointed enquiry officer who after recording the evidence of parties submitted his report on 31-1-87 holding that charge no. 1 relating to inflation of amount in the ledger book by the concerned workman was proved while the other charge was not proved. On the basis of this report after issuing show cause notice the concerned workman was dismissed from the service on 4-7-87. The concerned workman filed appeal which too was dismissed on 3-2-88. Thereafter, the instant industrial dispute was raised.

4. In the written statement, the concerned workman had simply assailed the validity of enquiry report. It has not been explained as to how the entry in ledger of Ritesh Kumar happened to creep in. However, it was alleged that he had unblemished record. He had earned appreciation from higher ups. He has been wrongly implicated in the case of wrongful acts of others.

5. The bank in his written statement has specifically alleged that enquiry was fairly and properly held. It was the concerned workman who had withdrawn the Rs. 2000 and had made interpolation in the entry in the ledger of Ritesh Kumar for personal gain.

6. In the rejoinder nothing new was alleged.

7. A preliminary issue regarding fairness and propriety of domestic enquiry was framed. The concerned workman filed his affidavit and was also crossexamined. The management did not adduce any evidence.

8. This tribunal after going through material felt that the concerned workman was not provided with necessary papers for making his defence as such enquiry was held to be vitiated and the management was afforded opportunity to prove the charges on merits.

9. This time the management examined one Girish Chandra Pandey, Dy. Manager. He simply proved Ext.M-1 M-17 and has spoken nothing about the concerned workman having made interpolation in the ledger. In rebuttal there is evidence of the concerned workman.

10. The only point which needs consideration is as to whether concerned workman had made interpolation in the ledger by inflating the amount.

As has been mentioned earlier the witness of management Girish Chandra Pandey has not said anything regarding it. The proper course for the management would have been to examine Anil Kumar Tripathi and other Assistants who had been dealing with the ledger of the concerned workman to prove that they had not made any interpolation and the concerned workman had done so. The authorised representative of the management had simply referred to the extract of ledger to show that there are interpolations. Indeed it is also admitted to the concerned workman that there had been interpolation in the ledger of Ritesh Kumar. However, from this it is not established that it was the concerned workman who had done so. Thus practically there is no evidence from the side of the management in this regard. On the contrary the concerned workman on oath had denied that he had made any alteration or interpolation in the ledger of Ritesh Kumar. In this way both the version of the concerned workman is un rebutted. Still I am not inclined to accept, rather the case of the management appears to be probalished.

11. There is no dispute that the concerned workman knew that initially in the account of his son there were Rs. 107.42 paisa. Unless he was aware of the fact that amount had been inflated in the ledger how could he withdrawn Rs. 2000/- on dates between 1-12-82 to 11-12-82. His explanation this court is that one of his friend had borrowed Rs. 2000/- from him who in turn had informed him that this amount has been deposited in the account of Ritesh Kumar and on this assumption he had withdrawn from his son's account Rs. 2000/- This explanation appears to be after an after thought as name of that debtor has not been disclosed and further a man of ordinary prudence would not have taken out money without verifying the entry from the ledger, specially when he was posted in the same bank. In this way after rejecting the above explanation I come to the conclusion that the concerned workman was very well aware of the fact that there has been interpolation in the ledger of his sons. There could not be any direct evidence to prove as to who had actually made this interpolation only inference can be drawn As the concerned workman was to be benefitted by such benefit it can very well be inferred it was the workman who would have himself done it or would have caused it to be done by other employee of his confidence.

12. There is also admission of behalf of concerned workman Ext. M.5 is copy of written arguments submitted before enquiry officer by representative of the concerned workman. The following extract will be enough to prove the admission of the concerned workman:—

During taking the balance of SE Accounts, he found that there is a mistake in SB Ledger A/C 1000 and traced the mistake of Rs. 2000/- in his ledger which be corrected by making adjustment in the balance of the said account.

Thus in view of above circumstances and facts, I disbelieve the version of the concerned workman and hold that it was the concerned workman who would have made interpolation in the ledger of his minor son Ritesh Kumar or would have caused it to be done. As such this misconduct is duly proved.

12. Now the question of quantum of punishment may be considered. The concerned workman had alleged that he had unblemished record. He had also earned appreciation as is obvious from annexure I to the documents filed on 21-10-91. It is congratulatory letter from Regional Manager to the concerned workman dated 11th August, 1983. This proves that his antecedents were good at the time of perpetration of this misconduct. It is also borne out from the record that the concerned workman himself before it could be detected by orders deposited the amount and had informed the manager. This shows that he had purged himself much before his misconduct could be detected. If is a mitigating circumstance. It was urged on behalf of the bank that these interpolation and temporary misappropriation would amount to loss of confidence. Hence dismissal is the proper remedy. I think that the above mitigating circumstances would override this contention. It appears to me that he had fallen prey to temporary temptation and in these circumstances his misconduct should not be visited with extreme penalty way of punishment. Thus the punishment is disproportionate to the gravity of misconduct.

13. Hence ends of justice would meet if he is ordered to be reinstated and awarded two years of back wages.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 1995

का. आ. 2990.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेग्मे के प्रबंधन के संबंध निधायकों और उनके कर्मचारों के बीच, संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय न्यायालय औद्योगिक अधिकरण, बंगलूर के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-95 को प्राप्त हुआ था।

[संख्या एल-41012/150/92—आई आर बी आई]

पी. जे. पांडेकर, उच्च न्यायाधीश

New Delhi, the 16th October, 1995

नई दिल्ली, 16 अक्टूबर, 1995

S.O. 2990.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of N. Rly. and their workmen, which was received by the Central Government on the 13-10-1995.

[No. L-41012/150/92-IRB-I]

P. J. MICHAEL, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM - LABOUR-COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 43 of 1994  
In the matter of dispute between :

Shri Deena Nath Tiwari  
Divisional Vice President,

Uttar Railway Karamchari Union,  
2-Naveen Market,  
Kanpur-208001.

## AND

Divisional Railway Manager,  
Uttar Railway  
Allahabad.

## AWARD :

1. The Central Government, Ministry of Labour vide its Notification No. L-41012/150/92-I.R. (D.U.) dt. 21-4-94, has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of Divisional Railway Manager, Northern Railway, Allahabad in not regularising the service of Shri Sushil Kumar Sharma, S/o Shri Brij Mohan Sharma w.e.f. 9-2-1986 and terminating his services thereof is legal and justified? If not, what relief the workman concerned is entitled to?”

2. In spite of repeated opportunities, having been given to the concerned workman, he neither filed any claim statement nor put in appearance in the Tribunal. It appears that he is not interested in the case.

3. Hence my answer to the reference is in the affirmative and against the concerned workman for want of proof. He has not entitled to any relief.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

का. आ. 2991—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कापॉरेशन बैंक, मद्रास के प्रबंधन के संबंध में नियोक्तों और उनके कामगारों के बीच अनुबंध में निहित औद्योगिक विवाद में, औद्योगिक अतिक्रमण, मद्रास के पंचपट को प्रभावित करती है, जो केन्द्रीय सरकार को 13-10-95 को प्राप्त हुआ था।

[संख्या एन-12012/243/91-आई. आर. (बी.-2)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 16th October, 1995

S.O. 2991.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of Industrial Tribunal, Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Corporation Bank, madras and their workmen, which was received by the Central Government of 13th October, 1995.

[No. L-12012/243/91-JR(B-II)]

BRIJ MOHAN, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,  
TAMIL NADU, MADRAS

Wednesday, the 20th day of September, 1995

PRESENT :—

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal.

Industrial Dispute No. 78/1991

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of the Corporation Bank, Madras).

BETWEEN :

The Workman represented by  
The General Secretary,  
Corporation Bank Employees' Union,  
C/o Corporation Bank P.B. No. 237,  
No. 49, Armenian Street,  
Madras-600 001.

## AND

The Regional Manager,  
Corporation Bank,  
No. 49, Armenian Street,  
P.B. No. 337, George Town,  
Madras-60 0001.

Reference : Order No. L-12012/243/91-IR(B.II), dated 14-11-91, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Tvl. N. G. R. Prasad & S. Vaidyanathan, Advocates appearing for the Workman and of Thiru S. Sethuraman, Advocate appearing for the Management, upon perusing the reference, Claim and Counter Statement and other connected papers on record, and the Council for the Workman having made an endorsement for withdrawing this dispute, this Tribunal passed the following.

#### AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the Management of Corporation Bank, in imposing the penalty of stoppage of one future increment with cumulative effect on Sh. K. R. Rajaram, Clerk, is justified? If not, to what relief is the workman entitled to Endorsement made. I.D. dismissed as withdrawan. No. costs. Dated, this the 20th day of September, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal  
COPY OF ENDORSEMENT MADE BY PETITIONER

As instructed by our Client we are withdrawing this dispute.

Sd/- Indira. K.  
for Tvl. Row & Reddy.  
Counsel for Petitioner.  
20-9-95

नई दिल्ली, 16 अक्टूबर, 1995

का. आ. 2992 -- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा संघर्ष के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिग्रहण, पुणे के पंचपट को प्रकाशित कम्ती है, जो केन्द्रीय सरकार को 16/10/95 को प्राप्त हुआ था।

[संख्या एन-40012/230/92-प्रार्थनार (डीयू)]  
के. वी. वा. उन्नी, डेस्क अधिकारी

New Delhi, the 16th October, 1995

S.O. 2992.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Pune as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecom and their workmen, which was received by the Central Government on 16-10-95.

[No. L-40012/230/92-IR(DU)]  
K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SHRI P. S. SHINDE, PRESIDING  
OFFICER, II LABOUR COURT, PUNE  
Ref. IDA No. 148/94

The Telecom District Manager,

Telecom Bhawan, Kolhapur —I Party

AND

Shri Vijay Yashawan Gajageshwar,  
R/o 951 'D' Ward,  
Shukrawar Peth,  
Kolhapur (M.S.) —II Party

Sub. :—Reinstatement with full back wages and continuity of service.

Appearance :—Shri B. I. Ustad for II Party.  
I Party absent.

#### AWARD

1. The Desk Officer, Government of India, Ministry of Labour forwarded this Reference in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 for adjudication of an industrial dispute between the Telecom District Manager, Telecom Bhawan, Kolhapur (I Party) and Shri V. Y. Gajageshwar (II Party) over the following demand :—

"Whether the action of the Deptt. of Telecom Distr. Manager, Kolhapur and SDO Phones Kolhapur in stopping from service to Shri Vijay Yashawan Gajageshwar ex-mazdoor w.e.f. 1-1-81 is proper legal and justified? If not, what relief he is entitled to?"

2. The second party filed the S/C at Ex. 5 and submitted that he was working as casual mazdoor on daily wages basis from Feb. 1978 to Dec. 1980 on the establishment of Sub-Divisional Officer, Phones, Kolhapur. The second party worked for 707 days. The services of second party were orally terminated from Jan. 1981. Second party has completed 240 days before 30-3-1985. The entire service record of the second party was clean. No charge sheet was issued nor enquiry was made. The first party had engaged juniors to second party in service. The applications submitted by the second party for re-employment have been turned down. As per the Supreme Court Judgement in Surindar Singh's case the department should have issued the Call letter to the second party. But first party did not do so. The second party submits that he be reinstated with full back wages and continuity of service.

3. The first party remained absent. Hence the Reference was proceeded further ex parte.

4. On the basis of the pleading of the second party following issues arise for my determination :  
issues Findings

(1) Whether the second party  
has proved that his services



- |   |                   |  |
|---|-------------------|--|
| have been terminated illegally by the first party ?               | Yes               | (1) The casual labour should have been currently working.                        |
| (2) Whether the said termination is proper, legal and justified ? | No                | (2) He should have been employed prior to 30-3-85.                               |
| (3) To what relief the second party is entitled to ?              | As per the order. | (3) He should have worked for 240 days during the continuous 12 calendar months. |

## REASONS.

5. Issues 1 to 3 :—Second party was admittedly in the employment with the first party from February 1978 to December 1980 as a casual mazdoor on daily wages. The second party workman along with is statement of claim annexed number of days he has worked with the first party. Considering the alleged date of termination that of December 1980 and prior to that one year if can be calculated it appears that second party has completed 240 days work in a calendar year. The second party workman specifically contended that his services were orally terminated. However, the second party made communication with the first party for the first time on 3-2-90 that it is not admitted by the first party about the receipt of the said letter as well as receipt of letter dt. 10-12-90 and 15-2-91 and 10-6-91. The first party however, admitted the receipt of letter dt. 21-10-91 which was sent by the second party by RPAD. The first party vide its letter dt. 8-11-91 rejected the request of the second party for re-employment on the ground that the period of absence of the second party from the date of last work is more than 5 years and which cannot be condoned. The second party workman thereafter, vide his application dt. 25-11-91 submitted justification statement in support of his demand for re-employment. First party vide its communication dt. 15-1-92 submitted reply to the said justification statement. Thereupon the conciliation proceedings was held by the Asstt. Commissioner of Labour and who submitted failure report on 25-11-92 to 4-12-92. On perusal of the documents filed by the second party workman as per Ex. 7 in support of his contention it is revealed that first party ought to have considered the case of the second party workman for re-employment on the basis of scheme approved by the Director General of Telecommunication, New Delhi dt. 7-11-89 whereby the scheme was made applicable to the casual mazdoors employed prior to 30-3-85 and therefore, the second party workman made application for re-employment. During the course of conciliation proceedings the Advocate for the second party verified the record of the first party in respect of casual mazdoors and in his report there appear to be many discrepancies in the maintenance of record as well consideration for re-employment. Considering the aforesaid respects and in view of the fact that second party workman has worked with the first party from February 1978 till December 1980 and prior to the date of termination having completed 240 days work in a calendar year the first party ought to have considered the case of the second party workman for T.Y. Status. First party in its reply dt. 15-1-92 specified the scheme while replying para. 5 of the justification statement. In the said scheme certain conditions for T. Y. Status have been laid down which reads as follows : —

So far as the aforesaid terms are concerned the case of the second party workman was exactly fitting in second and third condition which means that the second party was in the employment prior to 30-3-85 and has completed 240 days work with the first party. Further more having considered the verification of record report submitted by the advocate for the second party it clearly indicates that junior to the second party were considered for the purpose of T.Y. Status by the first party. However, at the same time the case of the second party has not been considered just for the reason that he was absent for more than 5 years. The interpretation done by the first party and its officer is absolutely improper and vindictive in nature. In my opinion, the case of the second party was totally fit for consideration for the purpose of T. Y. Status and there was no reason to reject the request of the second party on his application for T. Y. Status on the basis of the scheme framed by the D. G. T. New Delhi and C.G.N.T. Bombay. Considering all these aspects and considering the fact that inspite of giving ample opportunity the first party failed to submit the W/S and relevant documents I have no alternative but to proceed with the matter ex parte. However, the record filed by the second party is very much sufficient to decide the dispute on the basis of merit of both the parties. The second party workman on the basis of his pleadings and the Scheme of D.G.T. New Delhi is entitled for the T. Y. Status. According to the second party the Scheme has been framed in the year 1989 whereas the second party workman approached the first party in the year 1990 for the first time. The first party having denied the receipt of letters dt. 3-2-90, 10-12-90, 15-2-91 and 10-6-91 the letter subsequent to that which is dt. 21-10-91 has to be treated as first approach by the second party workman to the first party. The second party workman from 1991 onwards has not shown as to what efforts he has done for securing employment elsewhere or with the first party. Making a statement just to the effect that he was enquiring with the first party is not sufficient in the absence of any documentary evidence on the part of the second party and therefore, letter dt. 21-10-91 has to be treated as first approach by the second party to the first party and the inactiveness on the part of second party from January 1981 till October 1991 deserves to be delated for the purpose of non-consideration so far as the relief is concerned. Second party workman in his S/C prayed for declaration about the oral termination as illegal and unjustified alongwith reinstatements with continuity of service and back wages. Considering the facts or the present case and prayer of the second party I am of the view that granting of reinstatement to the second party in the category of T. Y. Status would be appropriate and justifiable relief to the second party. So far as back wages are concerned considering the silence

of the second party for quite a long period there is also 10 years is not at all pardonable and as such tax granting relief of reinstatement only would be the appropriate and fair relief in the interest of justice. In my opinion the second party workman is entitled only for the reinstatement in the category of T. Y. Status on the basis of scheme framed by the D.G.T. New Delhi. Hence I pass the following order.

### ORDER

- (i) The Reference is partly allowed.
- (ii) The first party Telecom Distt. Manager, Kolhapur and SDO Phones, Kolhapur is hereby directed to reinstate second party Shri Vijay Yashwant Jageshwar in the cadre of T. Y. Status with immediate effect.
- (iii) The first party to pay cost of Rs. 1000/- (Rs. One thousand only).

P. S. SHINDE, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 1995

का. आ. 2993.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार दूर संचार विभाग के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पूने के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/10/95 को प्राप्त हुआ था।

[संख्या एल-40012/211/92-आई आर (डी यू)]  
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 16th October 1995

S.O. 2993.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Pune as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Telecom and their workmen, which was received by the Central Government on 16-10-95.

[No. L-40012/211/92-IR(DU)]  
K. V. B. UNNY, Desk Officer

### ANNEXURE

BEFORE SHRI P. S. SHINDE,

Presiding Officer, II Labour Court, Pune Ref IDA No. 145/94

The General Manager,  
Deptt. of Telecommunication, Bajirao—I party  
Road, Pune—2

And

Shri S. S. Shaikh,  
P&T Colony, Budg. No. E-7,  
Room No. 1, Gultekdi, Pune—37 —II Party

Sub :—Reinstatement with back wages and continuity of service.

Appearances :—Shri Makhdoom S. for II party  
First party absent.

### Award

1. The Desk Officer, Central Govt. has made this reference under Clause (d) of Sub-section (1) and Sub-section(2A) of Section 10 of the Industrial Disputes Act for adjudication of an industrial dispute within the meaning of Sec. 2A of the said Act between the General Manager, Deptt. of Telecommunication (I Party) and Shri S. S. Shaikh (II party) over the following demand :—

“Whether the action of the management of Deptt. of General Manager, Deptt. of Telecommunication Pune, in terminating the services of Shri S. S. Shaikh, casual mazdoor is justified ? If not, what relief he is entitled to ?”

2. The second party filed the S/C at Ex. 8 and contended that the second party had been worked under the employment of first party from 1-3-1988 to 22-5-89 as Casual Labour without any break and his salary was Rs. 1200/- p.m. On 22-5-89 his services were orally terminated and without complying with the provisions of law. The second party prays that the termination inflicted on his is not legal and proper. He therefore, prays for reinstatement with other reliefs.

3. The first party remained absent and not filed the W/S. The Reference was therefore, proceeded exparte.

4. The second party filed the affidavit at Ex. 13 and reiterated the contents of S/C more particularly stating that he was illegally removed from job. Both the contents of S/C and affidavit being gone unchallenged I rely on the same and hold that services of the second party are illegally terminated and he is entitled to the reliefs sought. Hence the order.

### Order

The Reference is allowed. The first party is hereby directed to reinstate second party on his original post with full back wages for the intervening idle period and continuity of service, i.e. from the date of termination till the date of reinstatement. No order as to costs.

P. S. SHINDE, Presiding Officer

नई दिल्ली, 17 अक्टूबर, 1995

का. आ. 2994 —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार मद्रास पोर्ट ट्रस्ट के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट

औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 13-10-95 को प्राप्त हुआ था।

[संख्या एल-33011/1/89-आई. आर. (विविध)]  
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 17th October, 1995

S.O. 2994.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madras Port Trust and their workmen, which has received by the Central Government on the 13-10-95.

[No. L-33011/1/89-IR(Misc)]  
B. M. DAVID, Desk Officer

**ANNEXURE**  
**BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL**  
**NADU MADRAS.**

Thursday, the 21st day of September, 1995  
Present :—

THIRU N. SUBRAMANIAN, B. A. B. I.,  
INDUSTRIAL TRIBUNAL.

INDUSTRIAL DISPUTE NO. 51 OF 1991

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Madras Port Trust, Madras-1).

Between

The Workman represented by  
The General Secretary,  
The Madras Port United Labour Union,  
Bhagat House, No. 204, Broatway  
Madras—600 001.

AND

The Chairman,  
Madras Port Trust,  
Madras—600 001.

**REFERENCES :**

Order No. L-33011/1/89-IR (Misc.), dated 14-8-1991, Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Tvl. A. L. Somayaji, R. Arumugam and Haribabu, Advocates appearing for the Management, upon perusing the reference, Claim and Counter Statements and other connected papers on record and the Workmen being absent, this Tribunal passed the following.

**AWARD**

This reference has been made for adjudication of the following issue :

“Whether the action of the Management of Madras Port Trust, Madras in accommodating Sri V. Jaya Sundaram, against a

regular vacancy when he had been actually transferred against supernumerary post and thereafter in placing him at Sl. No. 1, in the seniority above the 12 qualified drivers of Marine Deptt. is justified. If not at what place of seniority he should be placed and to what relief the other 12 qualified regular drivers are entitled ?”

No representation for petitioner till 4.45 p.m. Respondent present. Petitioner called absent. I. D. is posted today as a last chance. Hence I. D. is dismissed for default. No costs.

Dated, this the 21st day of September, 1995.

THIRUN. SUBRAMANIAN, Industrial Tribunal

नई दिल्ली, 17 अक्टूबर, 1995

का. आ. 2995.—औद्योगिक विवाद अधिनियम, 1947 (1917 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बम्बई पोर्ट ट्रस्ट के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/10/95 को प्राप्त हुआ था।

[संख्या एल-31011/22/92-आई. आर. (विविध)]  
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 17th October, 1995

S.O. 2995.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust and their workmen, which has received by the Central Government on the 17-10-1995.

[No. L-31011/22/92-IR(Misc)]  
B. M. DAVID, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT**  
**INDUSTRIAL TRIBUNAL NO. 2**  
**BOMBAY**

**PRESENT :**

SHRI S. B. PANSE, PRESIDING OFFICER  
REFERENCE NO. CGIT-2/74 of 1993

Employers in relation to the Management of  
Bombay Port Trust

AND

Their Workmen

**APPEARANCES :**

For the Management : Shri M. B. Anchan,  
Advocate

For the Workmen : Shri P. G. Uparkar,  
Representative

Bombay, dated 29th September, 1995

### AWARD

The Government of India, Ministry of Labour by its letter No. L-31011/22/92-IR(Misc.) dt. 1-10-93 had referred to the following industrial dispute for adjudication.

"Whether the action of the management of BPT, Bombay in refusing to set right the pay anomaly of S/Shri A. S. Shetty and J. J. Khatib in Electrical Estt. Southern Div. of CME's Deptt. on promotion as Heavy Lift Crane Drivers while juniors S/Shri V. T. Pingulkar and Gawand drew higher pay, is just, legal and proper? If no, to what relief, are the workmen entitled to?"

2. The General Secretary of BPT Mazdoor Sangh filed a Statement of Claim. It is contended that the Trade Union is registered under the provisions of the Trade Unions Act of 1926. It is affiliated to Bharatiya Mazdoor Sangh, a Central Trade Union.

3. The workers, Anant Shetty and Jamaluddin Khatib were appointed in the services of BPT on 19-12-53 and 29-9-54 respectively. Both of them were seniors to Pingulkar and Gawand. The workers were promoted from the post of Fitters to the Heavy Lift Crane Drivers (Electrical) on 12-8-70 and 1-7-72 respectively. They were drawing less pay i.e. Rs. 1175 (Grade 695-1175) then to Shri Pingulkar and Gawand who were drawing more pay of Rs. 1257 (Grade 725-1257) in spite of the fact that the workers were senior to both of them. The management has Trade tested and promoted these workers as Heavy Lift Crane Drivers while Pingulkar and Gawand had refused promotions.

4. The workers made representations to the management bringing out the fact that they are put to financial loss even though they are seniors to Pingulkar and Gawand. Their representation was not considered by the management sympathetically. It is averred that the workers who were promoted on higher post of Heavy Lift Crane Drivers according to the Seniority and Merit, were getting less pay than their juniors who were working in lower category of Fitters. Thus the very purpose of getting higher promotion was defeated. It is therefore, 'anomaly in pay scale of Fitters and Heavy Lift Crane Drivers should be removed. The management had not taken any steps to remove this anomaly.

5. The workers prayed that they should be paid more salaries than their juniors namely Pingulkar and Gawand. Their financial loss should be paid to them. Scale of Heavy Lift Crane Drivers (Electrical) should be so revised that in future such a situation should not occur with other consequential relief.

6. The management resisted the claim by their written statement Ex. 3. It is submitted that the workers Pingulkar and Gawand were initially appointed as Fitters. Till 1965, their pay progressed

almost at par with others and were drawing pay of Rs. 155. In the year 1966, Shetty failed in the trade test given to him, while other 3 got through the trade test and were promoted to the next higher scale of Rs. 150-190 in July 1966. Shetty passed the trade test in February 1970 and from that day he was promoted to the next higher scale of Rs. 150-190. During that period he lagged behind his juniors, but, as explained above it was due to his own failure to pass the trade test.

7. Khatib was promoted as a Heavy Lift Crane Drivers on 1-7-72 scale Rs. 166-253 plus special pay of Rs. 20 per month. His juniors Pingulkar and Gawand continued as Fitters and got further promotions as Fitter highly skilled scale Rs. 170-290 on 11-7-74 and 1-10-74 respectively in Fitters category. Since there is no provisions of fixation rules for comparison of pay of employees in different categories and there is no question of stepping up of pay of Khatib arises. Under such circumstances it is contended that the workers are not entitled to any reliefs as claimed.

8. The management pleaded that both the workers are no more in the employment of the BPT. When the order of reference was made on 1-10-93, none of these workmen were in the services of the Trust. Under such circumstances none of the persons on whose behalf the dispute has been raised is the workmen within the meaning of the term workmen in the Industrial Disputes Act. Under such circumstances the Court has no jurisdiction to try the reference.

9. The management pleaded that the dispute relates to pay fixation of individuals and not an industrial dispute. Under such circumstances also the Tribunal has no jurisdiction.

10. The management averred that the Tribunal is not forum for fixing the higher pay of scale. It is submitted that the pay scale of Fitters and Heavy Lift Crane Drivers are separate and they belong to separate category. The Heavy Lift Crane Drivers are granted special pay of Rs. 725 in addition to regular payments scale. It is submitted that the pay which was fixed to the workers is just and proper and they are not entitled to any reliefs as claimed.

11. The issues that fall for my consideration and my findings thereon are as follows :

### ISSUES

### FINDINGS

1. Whether the action of the management of BPT, Bombay in refusing to set right the pay anomaly of S/Shri A. S. Shetty and J. J. Khatib in Electrical Estt. Southern Divn. of CME's Deptt. on promotion as Heavy Lift Crane Drivers, while juniors S/Shri V. T. Pingulkar and Gawand drew

Is justified

higher pay, is just, legal and proper ?

2. If not, to what relief the workmen are entitled to? Does not survive.

### REASONS

12. The General Secretary of BPT Mazdoor Sangh filed pursbis at Ex. 6 and informed the court that he does not want to lead any oral evidence in the matter. Mr. Anchan the learned Advocate for the BPT filed a pursbis at Ex. 7 and submitted that the management also does not want to lead any oral evidence in the matter. No documents were produced on behalf of the management. So far as the Sangh is concerned they have produced documents along with Ex. 4. The management had filed the written argument (Ex. 8). So far as the Sangh is concerned they have not filed the written argument. On September 4th, 1995 the written arguments were filed by the management then the matter was adjourned, to 18-9-95 for filing of written argument on behalf of the Union but the written arguments were not filed and the matter was posted for award.

13. It is tried to argue on behalf of the management that Shetty and Kha'ib, Pingulkar and Gawand appointed as Fitters on 19-12-53 and 29-12-54, 1-12-54 and 4-6-55 respectively. It is not in dispute that in 1965 all of them were drawing same pay scale. Then there was a trade test in which 3 passed and Shetty failed. The workers who passed the trade test were put in the pay scale of Rs. 150-190 in July, 1966. Shetty passed the trade test in February 1970 and he was put in the scale of Rs. 150-190 in that year. Naturally there was a difference of pay between other 3 employees and Shetty. This position is not in dispute.

14. Shri Kha'ib was then promoted as Heavy Lift Crane Drivers on 1-7-72 which was in the scale pay of Rs. 166-253 plus special pay of Rs. 20 per month. His juniors Shri Pingulkar and Gawand continued as Fitters and they got the promotions of Highly Skilled Fitters Rs. 170-290 on 11-7-74 and 1-10-74 respectively in the Fitters category. It is worth noted that there is a difference of pay scale between the category of Heavy Lift Crane Drivers and Fitters of highly skilled. It is argued that there is no provisions for comparison of pay of employees in different categories. It is always seen that when there are different categories the pay scales are different. Nextly the workers were having different scales then that of the scales of other employees for the reasons given above. Their scales were different because they are promoted after some period. I, therefore, find no substance in the claim of the Union that even though Pingulkar and Gawand were juniors to the workers in question are drawing higher pay and created anomaly between the employees who are seniors to them.

15. It is tried to argue on behalf of the management that the workers in question are not in employment of the Port and therefore the Tribunal has no jurisdiction to decide the matter. It is further argued on behalf of the management that the Sangh wanted to get the pay scale fixed of different cadres. I have come to the conclusion that there is no justifi-

cation in the claim of the Sangh. It is not necessary to dialect all these points which the management had pleaded.

16. For all these reasons I record my findings and the points accordingly and pass the following order :

### ORDER

1. The action of the management of BPT, Bombay in refusing to set right the pay anomaly of S/Shri A. S. Shetty and J. J. Khatib in Electrical Estt. Southern Divn. of CME's Deptt. on promotion as Heavy Lift Crane Drivers, while juniors S/Shri Pingulkar and Gawand drew higher pay, is just, legal and proper.

2. No order as to costs.  
S. B. PANSE, Presiding Officer.

नई दिल्ली, 17 अक्टूबर, 1995

का. शा. 2996.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में केन्द्रीय सरकार दूरसंचार के प्रबन्धन के संयुक्त निरीक्षकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जोधपुर के पंचवट को प्रकाशित बाधो है, जो केन्द्रीय सरकार को 16-10-95 को प्राप्त हुआ था।

[संख्या एन-40012/111/92-आईआर (डी. यू.)]  
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 17th October, 1995

S.O. 2996.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jodhpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of SDO Phones and their workmen, which was received by the Central Government on 16-10-95.

[No. L-40012/111/92-IR(DU)]  
K. V. B. UNNY, Desk Officer

उपाबंध

श्रम न्यायालय, जोधपुर

पीठासीन अधिकारी :—श्री महेन्द्र कुमार जैन, आर. एच. जे.  
एम. श्रम विवाद (केन्द्रीय) सं. 4/1994  
श्री रमेशचन्द्र पुत्र श्री छोटेलाल शर्मा मार्फत रामचन्द्र जी  
परहार का मकान, जाटाबास महामन्दिर, जोधपुर।

—प्रार्थी

बनाम

सब-डिविजनल आफिसर फोन्स प्रथम, जोधपुर।

—अप्रार्थी

उपस्थिति :—

- (1) प्रार्थी स्वयं या उसका प्रतिनिधि उपस्थित नहीं।
- (2) अप्रार्थी की ओर से श्री विनीतकुमार माधुर प्रतिनिधि उप.

अधिनिर्णय

दिनांक 18-9-1995

भारत सरकार के श्रम मंत्रालय द्वारा अपनी अधिसूचना क्रमांक एल-40012/III/92-I-आर. (डी.यू.) नई दिल्ली दिनांक 26-10-1994 के द्वारा निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया गया है :—

“Whether the action of the management of Sub-Divisional Officer, Phones, Jodhpur in terminating the services of Shri Ramesh Chander, S/o Shri Chhoteylal Sharma is legal, proper and justified? If not, to what relief workman concerned is entitled?”

2. उक्त विवाद प्राप्त होने पर पक्षकारों को जर्जिये नोटिस सूचना दी गई। प्रार्थी का नोटिस आज की तारीख पेशी का उस पर तामील हो चुका है लेकिन प्रार्थी स्वयं या उसका कोई प्रतिनिधि उपस्थित नहीं है जिससे यही जाहिर होता है कि प्रार्थी श्रमिक इस विवाद को आगे चलाने में रुचि नहीं रखता है। अतः इस प्रकरण में नोटिस्पयुट एवार्ड पारित किया जाना न्यायोचित प्रतीत होता है।

अधिनिर्णय

3. श्रमिक प्रार्थी पर नोटिस तामील हो जाने के बावजूद आज स्वयं प्रार्थी अथवा उसके प्रतिनिधि के उपस्थित नहीं होने से यही प्रकट है कि प्रार्थी इस विवाद को आगे चलाने में रुचि नहीं रखता है। अतः इस प्रकरण में “कोई विवाद नहीं अधिनिर्णय (नोटिस्पयुट एवार्ड) पारित किया जाना है।

4. इस अधिनिर्णय की प्रति सास्ते सूचना एवं प्रकाशनार्थ भारत सरकार के श्रम मंत्रालय नई दिल्ली को प्रेषित की जावे।

5. यह अधिनिर्णय आज दिनांक 18-9-1995 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

महेन्द्र कुमार जैन, न्यायाधीश

नई दिल्ली, अक्टूबर, 1994

का.आ.2957 :—अर्थाधिकार विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा संसार के प्रचलित के संबद्ध नियोजकों और

उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बम्बई नं. 2 के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 17-10-95 को प्राप्त हुआ था।

[संख्या एल-40012/213/93-आईआर (डीयू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 17th October, 1995

S.O. 2997.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 2 as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Telecom and their workmen, which was received by the Central Government on 17-10-95.

INo. L-40012/213/93-IR((DU)1  
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY.

PRESENT :

Shri S.B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/33 OF 1994

Employers in relation to the management of Telecom Department, Nagpur

AND

Their Workmen.

APPEARANCES :

For the management : Mr. Ramesh Darda, Advocate.  
For the workmen : Ms. S. Iyer, Advocate.

Bombay, dt. 28th September, 1995

AWARD

The Government of India, Ministry of Labour by its letter No L-40012/213/93-IR(DU), dt. 13-7-94 had referred to the following industrial dispute for adjudication.

“Whether the action of the management of Telecom Dept. (Gen. Manager, Phones, Telecom Bhawan, Nagpur, SDO-Main-I Nagpur & AE (Stores), Amaravati Road, Nagpur) in terminating the services of Shri Naresh Brijlal Charote, Part-time sweeper w.e.f. 6-1-92 is justified? If not, what relief he is entitled to?”

2. Naresh B. Charote the workmen contended that he was appointed as a part-time sweeper in Telecom Deptt. (Gen. Manager, Phones, Telecom Bhawan, Nagpur, SDO-Main-I, C.T.O. compound, Nagpur on 15-5-87. He was sponsored through Employment Exchange on 10-10-91. He was orally retrenched.

3. The worker further contended that he was also engaged as A.E. Electrical Store from 1987. At

that place he was orally retrenched from 24-1-92. He proceeded to state that he also worked at A.E. Store from 1988 to 6-2-92.

4. The workmen contended that he was doing the work of a sweeper. Eventhough the work was available then too he was not provided with the work. He was retrenched from the service which is illegal. He was paid Rs. 39.55 ps. per day. He was not served with any notice nor any retrenchment compensation was paid to him.

5. The workman pleaded that he worked for more than 240 days in every calendar year of service, but he was not made permanent. He approached the authorities for getting the job, but of no use. He then sent a notice on February 8th, 1993 but it was of no use. Hence he raised the industrial dispute.

6. The workman pleaded that as his termination is illegal and improper, he is entitled to reinstatement in services with continuity and backwages.

7. The management resisted the claim by their written statement Ex. 4. It is averred that the worker used to go late for sweeping, and was not doing his work properly. It is asserted that the nature of the work of the worker was cleaning of wash-basins, floors & latrines etc. His duty was on hourly basis considering the volume of work. He used to work three hours daily and the payments were calculated on hourly basis. It is submitted that the workman was not entitled to any compensation as he was not a casual labourer. It is submitted that there is no provisions or the rules framed by the department for the part-time workers. It is averred that the Govt. Scheme like grant of temporary status or grant of regularisation is available only to casual labours working in the Telecom Dept. and not for part-time sweepers. It is submitted that as the worker was working under hourly basis the provisions of continuous service of 240 days work and to treat the worker as a continuous one is not applicable to the worker. It is averred that for all these reasons the reference deserves to be dismissed.

8. The issues that fall for my consideration and my findings thereon are as follows :

ISSUES	FINDINGS
1. Whether the action of the management of Telecom Dept. (Gen. Manager, Phones, Telecom Bhavan, Nagpur, SDO-Main-I Nagpur & A.E.(Stores), Amravati Road, (Nagpur) in terminating the services of Shri Naresh Charote, part-time Sweeper w.e.f. 6-1-92 is justified ?	No
2. If not, what relief he is entitled to ?	As per order below.

#### REASONS

9. Naresh Charote (Ex. 8) the workmen lead evidence in support of his claim. He produced documents along with the affidavit.

10. The management by purchis Ex. 10 informed that they do not want to lead any oral evidence in the matter.

11. Naresh Charote affirms that he was appointed as a part-time sweeper by appointment letter (Ann. I) dt. 15th of May, 1987. From this letter it is very clear that he was appointed as a part-time sweeper and was asked to join the duties on 16th of May, 1987. Admittedly he did so. It is not in dispute that since then he worked as a part-time sweeper. He produced a statement (Ann. II) showing that he worked with three departments of the Telecom of Nagpur namely SDO (Main-I), AE (Electrical) & AE (Stores). So far as this statement is concerned it is not disputed. On its basis, it is tried to argue that the workman was engaged on hourly basis and he was not a casual labour. I am not inclined to accept this submission because in Yashwant Singh Yadav V/s. State of Rajasthan & Others, 1990 II, HCR/714 their Lordships have observed :

"A plain reading of the definition makes it abundantly clear that in order to render a person 'workman' what is required is that he should be employed and in any industry to do any manual, skilled or unskilled etc. work for hire. The definition as given in the Act does not make any distinction between a full time employee and a part-time employee. It does not lay down that only a person employed for full time will be taken to be a workman and that one who is only a part-time employee should not be taken to be a workman. What is required is that the person should be employed for hire to discharge the work-manual, skilled or unskilled etc. in an industry. If this test is fulfilled a part-time employee will also be a workman as is a full time employee."

12. From the ratio given in the above said authority it has to be stated the part-time employee is also a worker. As this is so it is to be so seen whether employee acquired a status of workers now. How he is said to be in continuous service contemplated under Sec. 25B of the Industrial Disputes Act ? Charote affirms that since he joined the services he continued to be in it in different departments till 10-10-91, 24-1-92 and 5-2-92. In other words he was lastly terminated on February 6th, 1992. It is not in dispute that he served for more than a year and if calculations are to be carried out the service period is more than 240 days. It is tried to argue on behalf of the management that as he was not a casual labour, and he was appointed on hourly basis he cannot be said to be in continuous employment for more than 240 days, as is contemplated under Sec. 25B of the Industrial Disputes Act. I am not inclined to accept this for the ratio given in the above said authority. He is to be treated as a continuous worker. As this is so his termination and retrenchment was without following the provisions, amounts to nullity. Admittedly, when his services were terminated he was not given any notice nor the compensation. It can be also seen that so far as the work of the sweeper is concerned it was in existence when his services were terminated. Charote affirms that other sweepers continued to do job eventhough he was terminated. This position is not challenged by the management. Under such circumstances it has

to be said that the termination is illegal and improper.

13. The management had produced some circulars and xerox copies of the judgment of the Central Administrative Tribunal and other High Court along with Ex. 6. After perusal of the say at the most it can be said that no directions can be given to the management to appoint the worker on regular basis, but so far as his initial appointment is concerned he has to be continued because the work which the workmen was doing was still in existence. It is not that the job is over. It can be further seen from the evidence to the workmen that other persons are employed to do that work. In the result he is entitled for reinstatement of service in the same capacity with full back wages. His services is to be treated continuous for other benefits. In the result I record my findings and the issues accordingly and pass the following order :

#### ORDER

1. The action of the management of Telecom Deptt. (Gen. Manager, Phones, Telecom Bhavan, Nagpur, SDO-Main-I Nagpur and AE (Stores), Amravati Road, Nagpur in terminating the services of Sh. Naresh Charo'e, part-time sweeper w.o.f. 6-1-92 is not justified.
2. The management is directed to reinstate Naresh B. Charo'e, part-time sweeper in his original position i.e. the date of his termination on 6-1-92.
3. The management is directed to make the payment to the worker from 6-1-92 till his appointment on the basis of the last wages drawn.
4. The management is directed to treat his services as a continuous one for other benefits.
5. The management to pay Rs. 300 as cost of this reference to the worker and to bear its own.

Sd/-

S. B. PANSE, Presiding Officer

नई दिल्ली, 18 अक्टूबर, 1995

का.आ. 2999 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्रा के प्रबन्धन के संबद्ध नियोक्ताओं और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, गोवा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-10-95 को प्राप्त हुआ था।

[संख्या एल-12012/38/92-आई. आर.(बी.-2)]

वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 18th October, 1995

S.O. 2998.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby publishes the award in the Industrial Tribunal, Goa as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 17-10-1995.

[No. L-12012/667/87-DII(A)]R (B.II)]

V. K. SHARMA, Desk Officer

#### ANNEXURE

#### IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF GOA AT PANAJI

(BEFORE SHRI AJIT J. AGNI, HON'BLE  
PRESIDING OFFICER)

Ref. No. IT/51/92

Shri D.S. Bandekar, Rep.  
by Bank of Maharashtra  
Karamchari Sangh,  
Kholapur.

.. Workmen/Party I

Vs.

The Asstt. General Manager,  
Bank of Maharashtra,  
1501, Lok Mangal,  
Shivaji Nagar,  
Pune-411005.

.. Employer/Party II

Party I—Absent.

Party II represented by Shri N.V. Chickodi.  
PANAJI dated 8-9-1995.

#### AWARD

In exercise of the powers conferred by clause (d) of Sub-Section (1) and Sub. Section 2-A of Sec. 10 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government by order dated 24-6-1992 bearing No. L-12012/38/92-IR (D.II) referred the following dispute for adjudication by this Tribunal.

“Whether the action of the management of Bank of Maharashtra is justified in not paying prorata Special Allowance to Shri D.S. Bandekar, sub-staff, Bank of Maharashtra, Sawantwadi Branch for the dates he has worked against temporary post carrying Spl. Allowance? If not, what relief can be granted to the workman?”

2. On receipt of the reference a case was registered under No. IT/51/92 and registered A.D. notice was issued to the parties. In pursuance to the notice, the parties put in their appearance. The Party I (for short, 'Union') filed its statement of claim at Exb. 4. The facts of the case in brief as pleaded by the Union are that the Party II (for short, 'employer') is a Nationalised Bank having its Central Office at Pune. That the service condi-



utions of Bank employees are governed by Sastri Desai Awards and various Bi-partite settlements modified from time to time and the provisions of the said Awards and the settlements are mandatory for the employer to adopt and follow without deviation. The Union contended that para 5.8 of the first BP settlement provided that a workman shall be entitled to a special allowance if he is required to perform duty/duties and/or undertake the responsibilities listed against the category, irrespective of his designation/nomenclature or any general authority vested in him. The Union contended that the workman Shri Deu Sitaram Bandekar, 113 scale sub. staff has been absorbed on full time sub. staff in temporary vacancies which had arisen due to leave of permanent sub-staff carrying on duties attracting special allowance at Sawantwadi Branch. That there are three sub-staff working permanently at Sawantwadi Branch attracting three different special allowances as per their ranking in seniority namely Daftary allowance of Rs. 119 P.M. plus D.A. Bill Collector allowance of Rs. 101 P.M. plus D.A. and Cash Peons special allowance of Rs. 60 P.M. plus D.A. The Union contended that Shri D. S. Bandekar is asked to perform the duties which attract special allowance during his temporary tenure on various occasions and he is eligible to get the prorata special allowance for the days he put to work in the vacancies from time to time. That Shri Bandekar carried out the duties of Bill collector which included delivery of cheques/hundies, intimation cards, inward bills received for collection to concerned clients/parties. That Shri Bandekar also collected local collection cheques and payment thereof from different Banks on behalf of the Sawantwadi Branch of the Employer. He was entrusted with the said work in the absence of sub-staff or otherwise. The contention of the Union is that the allowances payable for a period of three years or so since 1988 amounted to Rs. 2000 or there about. That however, the employer did not pay the said allowances to Shri Bandekar. The Union has therefore contended that the action of the management of the employer in not paying pro-rata special allowance to Shri Bandekar for the dates he has worked against temporary post carrying special allowances is illegal and not justified.

3. The employer filed a written statement which is at Exb. 5. The employer contended that the demands made by the Union are not just, proper and legal and they were liable to be rejected. The employer stated that as per the provisions of BP settlement a special allowance is paid to the award staff only on the performance of the duties attracting special allowance and as per para 5.8 of the BP settlement, a workman is entitled for special allowance if he is required to perform the duty or to undertake the responsibility listed against the category irrespective of his designation/nomenclature or any general authority vested on him. The

employer further stated that as per para 5.10 of the BP settlement special allowance would continue to be drawn by a permanent incumbent while on leave. The workman who is asked to work temporarily on the post carrying special allowance will be entitled to such special allowance, pro-rata for such period during which he occupies such post and that as per para 5.11 of the BP settlement whenever a Bank requires a workman to work in a post carrying a special allowance, it will normally be done by an order in writing. The employer denied that Shri Bandekar was even asked to perform temporarily on the post carrying special allowances and therefore stated that Shri Bandekar was not entitled to get any special allowance as claimed by the Union. The employer further denied that Shri Bandekar has carried out the duties of Bill Collector or the duties or of any other allowances carrying post. The employer also denied that Shri Bandekar performed the duties attracting special allowance spread over three years or so since 1988 and denied that the amount payable to him amounted to Rs. 2000 or thereabove. The employer contended that action in not paying pro-rata allowances to Shri Bandekar was just and proper and he was not entitled to the said allowances. The employer therefore prayed in that the reference be answered in favour of the employer holding that its action is legal and justified. Thereafter the Union filed rejoinder which is at Exb. 6.

4. On the pleadings of the parties following issues were framed at Exb. 7.

1. Does Party No. I—Workman, prove that he is entitled to receive pro-rata Special Allowance for the days when he worked against temporary post carrying Special Allowance ?
2. If yes, what is the exact amount which Party No. I is entitled to receive from Party No. II—Bank?
3. What award or order ?

After the issues were framed the case was fixed for the evidence of the Union. However, in spite of the opportunity given on several occasions the Union did not lead any evidence and therefore the evidence of the Union was closed on 30-6-1995. Thereafter, the case was fixed on 28-7-1995 for the evidence of the employer. However, on the said date, Shri M. V. Chickodi representing the employer stated that the employer did not wish to lead any evidence as the burden was on the Union to prove that Shri D.S. Bandekar was entitled to the pro-rata special allowance and in denying the same the action of the employer was illegal and not justified.

5. The Central Government made the reference of the dispute at the instance of the Union since it challenged the action of the employer in not paying the pro-rata special allowances to Shri D. S.

Bankekar and as such the Union raised an industrial dispute. The High Court of Bombay, Panaji Bench, in the case of V.N.S. Engg., Services v/s Industrial Tribunal, Goa Daman and Diu and another reported in FJR Vol. 71 at page 393 has held that there is nothing in the Industrial Disputes Act, 1947 that indicates a departure from the general rule that he who approaches a Court for a relief should prove his case i.e. obligation to lead evidence to establish an allegation, the test being that he who does not lead evidence must fail. Their Lordship of the Bombay High Court further held that the provisions of Rule 10-B of the Industrial Disputes (Central Rules 1957) which requires the party raising a dispute to file a statement of demands relating only to the issue in the order of reference for adjudication within 15 days from the receipt of the order of reference and forward copies to the Opposite Party involved, clearly indicates that the party who raises the industrial dispute is bound to prove the contention raised by him and an Industrial Tribunal or Labour Court would be erring in placing the burden of proof on the other party to the dispute. In another case, i.e. in the case of V. K. Raj Industries v/s Labour Court (I) and Others reported in 1981 (29) FLR 194, the Allahabad High Court has been held that the proceedings before the Industrial Court are judicial in nature even though the Indian Evidence Act is not applicable to the proceedings before the Industrial Court, but the principles underlying the said Act are applicable. The High Court has further held that it is well entitled that if a party challenges the validity of an order, and if no evidence is produced the Party invoking the jurisdiction must fail. The High Court has also held that if the workman fails to appear or to file written statement or produce evidence, the dispute referred by the Government cannot be answered in favour of the workman and he will not be entitled to any relief. I am entirely in agreement with the said decision of the Allahabad High Court.

6. In this case, since the dispute was raised by the Union and it is at the instance of the Union that the reference was made by the Central Government, the burden was on the Union to prove that the action of the employers in not paying pro-rata special allowance to Shri D.S. Bandekar, sub staff, for the days he has worked against the temporary post carrying special allowance is not justified. After the issues were framed several opportunities were given to the Union to lead evidence in the matter. However, the Union did not do so. The burden of proving the main issue i.e. issue No. 1 was cast on the Union. However, by not leading the evidence the Union failed to discharge this burden. Therefore, there is no material before me to hold that the action of the employer in not paying the pro-rata special allowance to Shri D. S. Bandekar was not justified. In the absence of any evidence it cannot be held that the action of the employer in not paying pro-rata special allowance

to Shri D.S. Bandekar is not justified. In the circumstances, I hold that the Union has failed to prove that the action of the employer in not paying pro-rata special allowance to Shri Bandekar is not justified and hence I pass the following order.

### ORDER

It is hereby held that the action of the management of M/s. Bank of Maharashtra, in not paying pro-rata special allowance to Shri D. S. Bandekar, sub. staff, Bank of Maharashtra, Sawantwadi Branch, is justified and the Union is not entitled to any relief.

There shall be no order as to costs.

Inform the Government accordingly.

AJIT J. AGNI, Presiding Officer

नई दिल्ली, 18 अक्टूबर, 1995

का.शा. 2999 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धकों के संबद्ध निरोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-10-95 को प्राप्त हुआ था।  
[संख्या एन-12012/667/87-डी० 2 (ए)/आई.प्रार (बी-2)]  
बी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 18th October, 1995

S.O. 2999.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workmen, which was received by the Central Government on 17-10-1995.

[No. L-12012/667/87-DII(A)|IR (B.II]

V. K. SHARMA, Desk Officer

### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR KANPUR

Industrial Dispute No. 76 of 1988

In the matter of dispute between

Sri Rajendra Prasad Yadav,  
C/o Sri P. C. Bajpai,  
990 Y Block Kidwai Nagar,  
Kanpur.

## AND

The Dy. General Manager,  
Allahabad Bank,  
Hazaratganj,

their workmen, which was received by the Central Government on 17-10-95.

[No. L-12012/423/90-IR (BII)]  
V. K. SHARMA, Desk Officer

## ANNEXURE

## AWARD

1. Central Government, Ministry of Labour, New Delhi vide its notification No. L-12012/667/87-Γ.II(A) dated 9th June, 1988 has referred the following dispute for adjudication:—

Whether the action of the management of Allahabad Bank in relation to their Kachwabazar Branch in terminating the services of Shri Rajendra Prasad Yadav, peon-cum-Farrash and not considering him for further employment while recruiting fresh hands under Sec. 25H of the I.D. Act is justified. If not to what relief the concerned workman is entitled ?

2. In the present case workman submitted an application which was received by post on 27th July 1995, with the prayer that his case be closed as he is working as substaff in the bank and on this score there is no need to press the case.

3. In view of it the case is decided as not pressed holding that the concerned workman is entitled to no relief.

4. Reference is answered accordingly.

Dt. 29-9-95.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 अक्टूबर, 1995

का.ग्रा 3000 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-10-95 को प्राप्त हुआ था।

[संख्या एल-12012/423/90-आई.आर. (बी.-2)]

वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 18th October, 1995

S.O. 3000.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and 2569 GI/95.—10.

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT PANDU NAGAR DEOKI PALACE ROAD KANPUR

Industrial Dispute No. 14 of 1991  
In the matter of dispute between:

Sri H. K. Mathur  
Secretary

Central Bank Employees Association  
UP 125/59 Block H Govind Nagar  
Kanpur.

AND

Regional Manager  
Central Bank of India  
Pandu Nagar Kanpur.

## AWARD

1. Central Government Ministry of Labour New Delhi, vide its notification no. L-12012/423/90. IR B-2 dt. 14-2-91, has referred the following dispute for adjudication to this Tribunal.

“Whether the action of the management of Central Bank of India in retiring Sri Kailash Nath Mehrotra from service w.e.f 31-5-89 inspite of his producing school certificate showing date of birth 15-10-31 is justified ? If not to what relief the workman is entitled to ?

2. The concerned workman Kailash Nath Mehrotra in his written statement has alleged that initially he was appointed as Godown Keeper on 8-4-41 in the Nayaganj Branch of the opposite party M/s Central Bank of India, Kanpur. At that time he was 16-1/2 years of age. In those days as the bank was a private there was no minimum age bar for entering in service. In the same year he had appeared in High School Examination which he had acquired. After obtaining High School Certificate he had submitted the same in the bank in that very year i.e. 1948. In the year 1975-76 the concerned workman was asked to submit his biodata form in which he had given his date of birth as 15-10-31 which was in consonance with his date of birth as given in the High School Certificate, the bank had also in 1975 admitted that the date of birth of the concerned workman is 15-10-31. However, when in 1983 he enquired from bank about the date of retirement he was informed that his date of birth is 17-5-29. He made representation but to no avail. Ultimately

he was retired treating his date of birth as 17-5-29 which is illegal. In this way he has been retired two years in advance, consequently he is entitled for wages of these two years.

3. The management bank has filed written statement in which it has been denied that the concerned workman had ever submitted his High School Certificate in 1948. The date of birth of the concerned workman was recorded as per his declaration which has also been entered in the Provident Fund Form. He cannot be allowed to wriggle out from this declaration. In this way he has been correctly retired after attaining the age of superannuation.

4. Rejoinder has been filed in which the factual allegations made in the written statement by the bank has been denied.

5. The concerned workman in his pleading has tried to pretend that he has been agitating the question of date of birth from 1975-76 and that actually he had filed high school certificate in 1948. After having gone through these papers I am of the opinion that all these papers have been set up by way of manipulation and no relevance can be placed on it.

6. In the first place reliance has been placed on copy of High School Certificate which is filed alongwith affidavit dated 27-12-91. At the back of this certificate there is seal of the bank. From this it cannot be deduced that actually it was given in the bank, much less in 1948. Further it is a matter of common knowledge that High School Certificate in those days were not issued in that very year in which candidate had passed High School. Hence it is unlikely that in 1948, concerned workman would have been in possession of this certificate at all. As such question of its furnishing in the opposite party bank does not arise. In view of these circumstances, I disbelieve the evidence of K. N. Mehrotra that he had submitted his High School Certificate bearing date of birth 15-10-31 in 1948.

7. As regards the submission of biodata form, the same are annexure 2 and 3 of statement of claim in which no doubt 15-10-31 is given as his date of birth but these are unilateral documents as only the signatures of the concerned workman are to be found. It does not bear any signatures of bank officer. In the absence of any signatures on behalf of bank, I am not inclined to accept the evidence of concerned workman in this regard and further believe the evidence of S. K. Joshi Regional Manager, Kanpur, that in 1975-76 no such papers were prepared. These papers appears to have been manipulated for the purpose of the case.

8. As regards annexure 5 of the claim statement, it is a letter dt. 8-12-83 issued by the

Branch Manager to Chief Manager Kanpur soliciting further course of action on the basis of aforesaid two documents in which the date of birth was recorded as 15-10-31. Thus this letter in no way should be treated as an admission on behalf of the bank. Instead this date of birth has been given on the basis of information furnished by the concerned workman. Hence, the concerned workman cannot derive any benefit from this.

9. Now question is as to what is the actual date of birth of the concerned workman whether 15-10-31 as alleged by him or 17-5-29 as alleged by the bank. There is copy of gazette of September 18, 1948. It shows that the concerned workman had passed High School Examination in first division from K. D. J. High School Maurawa and his date of birth is 15-10-31. There can be no manner of doubt about its genuineness. On the other hand the date of birth as given in PF Form which has been proved by Dy. Chief Officer PLR Shenoy, his date of birth is 17-5-29. Obviously this date of birth has been recorded on the basis of declaration. In my opinion, in between these two, date of birth as given in High School Certificate should be treated to be more authentic. Accordingly I come to the conclusion that the date of birth of the concerned workman is 15-10-31.

10. Now the question is as to whether the concerned workman should be allowed wages of two years. Having given my consideration to this aspect I am of the opinion that the concerned workman will not be entitled for these wages. I am not inclined to agree with the averment of the concerned workman that in 1948 there was no minimum age for entry in the service. Even in those days minimum age for service was 18 years. If the concerned workman when he joined his service has disclosed his date of birth as 15-10-31 he would not have been eligible age wise as at that time he was under age. It was perhaps in order to meet the problem that the concerned workman in those days did not mention his correct date of birth. Instead he disclosed his age as 16 years and 11 months at that time and thereby procured the employment. In this way he had acquired monetary benefit when he was age-wise ineligible. Now it will not be in the interest of justice to allow him wages for the two years as he had already taken benefit of the same while entering into the service of the bank.

11. In view of this position, my award is that inspite of the fact that the concerned workman was wrongly retired from banks service w.e.f. 31-5-89, he will not be entitled for any relief.

12. Reference is answered accordingly.  
29-9-1995.

B. K SRIVASTAVA, Presiding Officer.

नई दिल्ली, 16 अक्टूबर, 1995

Budhoo and Wahid Ali S/o Bashir Ali is justified? If not, what relief the workman concerned are entitled to?"

का.आ. 3001.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेट्रोल रेलवे के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-95 को प्राप्त हुआ था।

[संख्या एल-41011/66/92-आईआरबी आई  
पी.जे. माइकल, डेस्क अधिकारी

New Delhi, the 16th October, 1995

S.O. 3001.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Central Rly. and their workmen which was received by the Central Government on the 13-10-95.

[No. L-41011/66/92-IRBI]  
P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 110 of 1993

In the matter of dispute between:

The President  
Rastriya Chaturth Shreni Rail Mazdoor Congress, 4-Heerapura,  
Nagra, Jhansi.

AND

The Executive Engineer (B & F)  
Central Railway,  
Manmadaand.

#### AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-41011/66/92-IR(DU) dt. 13-12-1993, has referred the following dispute for adjudication to this Tribunal:

"Whether the action of the Executive Engineer (B&F), Central Railway, Manmadaand Asstt. Engineer (B and F) Central Railway, Jhansi in not regularising the services of S/Shri Janki Das, S/o Tulsi Das, Shaunkat Ali S/o Shekh

2. Inspite of repeated opportunities, having been given to the concerned workman, he neither filed any claim statement nor put in appearance in the Tribunal. It appears that he is not interested in the case.

3. Hence my answer to the reference is in the affirmative and against the concerned workman for want of proof. He has not entitled to any relief.

4. Reference is answered accordingly.  
18-10-95.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 अक्टूबर, 1995

का.आ. 3002 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलावती सरन हिल्डन अस्पताल के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-10-95 को प्राप्त हुआ था।

[संख्या एल-42012/166/92-आईआर (डी यू)  
के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 18th October, 1995

S.O. 3002.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Kalawati Saran Hospital and their workmen, which was received by the Central Government on 13-10-95.

[No. L-42012/166/92-IR(DU)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. 57/94

In the matter of dispute between:

Shri Subhash-I  
through Secretary,  
Kalawati Hospital Worker's Union,

11/88, Panchkuian Road,  
Hospital Quarters,  
New Delhi-110001.

Versus

Medical Superintendent,  
Kalawati Saran Hospital,  
Bangla Sahib Marg,  
New Delhi-110001.

#### APPEARANCES:

Shri Subhash in person for the Union.  
Shri A. K. Sharma for the Management.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/166/92-IR (DU) dated 29-4-94 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the Medical Supdt. Kalawati Saran Children Hospital, New Delhi was justified in not reimbursing the LTC bill of Rs. 1354.90 submitted by Shri Subhash-I Safaiwala for the block year 1986---89 due to vindictive attitude. If not, what relief the workman concerned is entitled to."

2. The workman made statement that the matter has since been settled and no dispute exist between the parties. He has also filed the letter to this effect of the Secretary of the Union through whom this case was initiated. In view of this statement no dispute award is given in this case leaving the parties to bear their own costs.

GANPATI SHARMA, Presiding Officer.  
18th September, 1995.

नई दिल्ली, 19 अक्टूबर, 1995

का.प्र. 3003 :—औद्योगिक विवाद अधिनियम, 1917 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भुवनेश्वर के रजिस्ट्रार का प्रकाशित करती है, जो केन्द्रीय सरकार को 18-10-95 को प्राप्त हुआ था।

[संख्या एल-12012/137/91-आईआरबी आई]  
पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 19th October, 1995

S.O. 3003.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of

the Industrial Tribunal, Orissa (Bhubaneswar) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 18-10-95.

[No. L-12012/137/91-IR BI]  
P. J. MICHAEL, Desk Officer  
ANNEXURE

#### INDUSTRIAL TRIBUNAL : ORISSA : BHUBANESWAR

#### PRESENT :

Sri P. K. Panigrahi,  
Presiding Officer,  
Industrial Tribunal.  
Orissa, Bhubaneswar.

Industrial Dispute case No. 28 of 1991 (Central)  
Bhubaneswar, the 29th September, 1995

#### BETWEEN

The Management of State Bank of India,  
Khodasingh ADB, Berhampur Gan-  
jam, Orissa.

....First party-management.  
AND

Their workman Sri Bhaskar Moharana,  
At P.O. Uppala Putti, Via : Gopalpur-on-sea,  
Dist : Ganjam (Orissa).

....Second party-workman.

#### APPEARANCES :

Sri J. Pattnaik, Advocate—For the First Party-management.

Sri Kalu Panda, Advocate—For the Second Party-workman.

#### AWARD

On being satisfied that there exists an industrial dispute between the employer in relation to the management of State Bank of India and their workman, namely, Sri Bhaskar Moharana, the Central Government vide their Order No. L-12012/137/91-IR (B-III) dated 20-8-91 in the Ministry of Labour, have referred for adjudication the following disputes, namely :—

"Whether the action of the management of State Bank of India, Khodasingh A.D.B., Berhampur in terminating the services of Sri Bhaskar Moharana, Night Watchman w.e.f. 9-9-88 is legal and justified? If not, to what relief the workman is entitled?"

#### AND

"Whether the action of the management of the State Bank of India, Khodasingh A.D.B., Berhampur in reducing the wages of Sri Bhaskar Moharana, Night Watchman from Rs. 10-11-80 drawn for the

month of May '88) to Rs. 900 per month (from the month of June '88 onwards) is justified? If not, to what relief the workman is entitled?"

2. The concerned workman in his statement of claim has alleged that he was working as a Messenger in the said Bank from 15-11-84 to 13-1-86 temporarily; that he was given continuous employment from 15-1-86 to 9-9-88; that his salary was abruptly reduced by the management during the period from June '88 to 9-9-88 without any rhyme or reason; that he was also performing the duty of Night Watchman besides doing the work of Messenger; that from 10-9-88 he was refused employment by the management and that since then he is out of employment. On the basis of the above allegation he claims reinstatement with full back wages and ancillary service benefits.

To prove his case, the workman has examined himself as W.W.1 and filed three payment vouchers (vide Exts. A, B & C) & a letter from Management (Ext. D).

3. In the written statement filed by the management it is averred that during the period from 15-11-84 to 13-1-86 the workman was engaged on daily wage basis to assist the Record Keeper, spray water on khus khus screens during summer and perform the duties of Messenger during the leave vacancies of regular Messenger and that in total he had worked for 101 days intermittently from 15-11-84 to 13-1-86 and further that he was engaged thereafter as a temporary Night Watchman on daily wage basis from 15-1-86 to 9-9-88. According to the management, the workman was paid according to the number of days on which he had worked on daily wage basis and as he absented himself from duty after 9-9-88 another person was appointed in his place to perform the duties of Night Watchman. The management takes the stand that as the workman worked on daily wage basis and suo motu abandoned the job the management was under no obligation to follow the legal procedure prescribed for incidents of retrenchment. As for the alleged reduction of the wages of the workman from June '88 to 9-9-88, it is contended by the management that consolidated wage @Rs. 30 per day was paid on the basis of mutual agreement and that the workman accepted that wage during the said period without any demur. Accordingly, it is pleaded by management that the workman is not entitled to any of the reliefs claimed.

4. On the basis of the above pleadings, the following issues have been framed :

- (1) Was the second party workman refused employment by the first party management?

- (2) Whether refusal of employment amounts to termination?
- (3) Whether the action of the management in terminating the services of the workman w.e.f. 9-9-88 is legal and justified?
- (4) Whether the action of the management in reducing the wages of the workman from Rs. 1011.80 paise to Rs. 900 per month from June '88 is legal and justified?
- (5) To what relief, if any, the workman is entitled?

5. For the sake of convenience issue No. 4 may be taken up first. It relates to the question whether the action of the management in reducing the wage of the workman from June '88 onwards is legal and justified. In the written statement it is specifically pleaded that from June '88 onwards the management by virtue of a mutual agreement with the workman fixed the latter's consolidated wage @Rs. 30 per day. However, there is no document to support the above fact. The workman, on the other hand, alleges that his emoluments were arbitrarily reduced from Rs. 1011.80 paise to Rs. 900 per month. It is well high difficult to understand why at all the workman should agree to a sudden reduction of his emolument by around Rs. 111 per month. On this count the deposition of witness No. 1 for the management who has got personal knowledge of the dispute under reference is worthy of consideration. The witness has categorically stated as under :

"As to the second item of reference regarding reduction of wages of the workman from Rs. 1011.80 paise to Rs. 900 per month, such reduction was made since the workman agreed to take low wages i.e., Rs. 900."

xx                      xx                      xx                      xx

"The then Regional Manager Sri V. V. H. Rao decided that because the post occupied by the workman was a temporary one his wages from Rs. 1011.80 paise should be reduced. He has since retired from service. The matter was then put to negotiation and the workman agreed. This agreement was only verbal. I cannot assign any reason why the management did not reduce the oral agreement into writing."

6. The facts and circumstances discussed above make it clear that without assigning any reason the then Regional Manager had reduced the emoluments of the workman. The plea that the reduction was preceded by a negotiation or mutual agreement cannot be accepted because the agreement was not reduced into writing and secondly, the

workman himself disputes that position specifically. The action taken by the Regional Manager cannot, therefore, be said to be just or reasonable, especially in the face of the admitted position that during that period, that is, from June '88 to 9-9-88 there was no change in the nature of duties entrusted to the workman nor was there any change in the wage structure. Conclusion is, therefore, inevitable that the workman is entitled to the differential amount which had been deducted from the emoluments of the workman during the period from June '88 to 9-9-88 at the intervention of the then Regional Manager. Issue No. 4 is accordingly answered.

7. The remaining issues relating to termination of the services of the workman w.e.f. 9-9-88 or as the case may be, abandonment of work by the workman concerned may be taken up together and answered at one go.

It is the admitted position that during the period from 15-11-84 to 9-9-88 the workman was in employment of the State Bank of India as a daily rated workman who ordinarily is known as a casual employee. In other words, the workman had served the Bank for nearly three years and ten months. Apparently short breaks, if any, in the tenure were not of the seeking of the workman. From 15-11-84 to 13-1-86 he performed the duties of the Messenger in the leave vacancies of the regular Messengers of the Bank. Since leave vacancies are not a regular feature his engagement as Messenger was bound to be intermittent. It is not in dispute that as a temporary Messenger he had worked for 101 days between 11-1-85 and 13-1-86. The memorandum issued by the Branch Manager of the Bank vide Annexure-1 (appended to the statement of claim) amply proves the above fact. As and when the workman performed duties in the leave vacancies of regular Messengers, the management paid him the basic pay and all allowances which were paid to the regular Messengers at the prevailing rate. It is claimed by the workman that with effect from 15-1-86 he rendered service both as a Messenger and Night Watchman uninterruptedly. This phase continued till 9-9-88. According to the workman, (vide Annexure-3, that is, the salary chart appended to the statement of claim) during the months of March, April & May, 1988 salary was paid to him @ Rs. 986, Rs. 1037.60, and Rs. 1011.80 respectively depending on the variations in the rate of dearness allowance Exts. A, B & C are the payment vouchers for the months of August '87, June '86 and March '87 respectively also go a long way in substantiating the claim of the workman. Ext. D is a crucial document which not only lands assurance to the case of the workman but also demolishes the defence plea taken by the management. It is a letter written by the Branch Manager of the Bank to the Regional Office on 9-12-87. This letter is in continuation of the correspondence resting with Bank's previous letter No. 42/200 dated 13-5-86 and No. 42/

290 dated 17-9-87. The Branch Manager has stated in the letter as follows :

"xx xx Sri B. Moharana (concerned workman) still continues to work as Night Watchman of the Branch on daily wage basis and is being paid salary equal to that of a Messenger. Since the Night Watchman is required to stay in the Branch premises over-night and is in charge of Bank's guest room, it will be better if a person in regular bank's service is posted instead of a temporary person."

8. This letter makes it clear that the workman was getting the salary of a Messenger although primarily his appointment was against the post of Night Watchman. It cannot be believed for a moment that the Bank will ungrudgingly pay the salary of a Messenger to a casual Night Watchman unless he performed certain additional duties. Thus the stand of the workman that from 15-1-86 to 9-9-88 he was rendering services to the Bank both as a Messenger and Night Watchman uninterruptedly, is bound to inspire one's confidence. It naturally follows that the abrupt reduction of his emoluments from June '88 at the instance of the then Regional Manager was unwarranted. Pursuant to the letter of the Branch Manager vide Ext. D, in which it was suggested that the post of Night Watchman should be filled up on regular basis and the prevailing temporary arrangement be dispensed with, the Regional Office ought to have acted prudently. Without defining prudence it would be sufficient for this Tribunal to mention that when the workman was at the disposal of the Bank ever since 15-11-84 and had been satisfactorily performing the duties of both the Messenger and the Night Watchman, there was absolutely no justification for either the Regional Office or the Branch office concerned to reduce the emoluments of the workman and thereby create a situation of discontentment for the latter.

9. The evidence on record shows that in 1989 an interview was held and somebody else was appointed as a Night Watchman ignoring the claims of the concerned workman. This development, particularly after the desertion of the concerned workman with effect from 10-9-88 certainly smacks of injustice and foul play. Different considerations would have arisen if the services rendered by the workman were not up to the satisfaction of the Bank authorities. On the contrary, when the workman was found to be serviceable and also capable enough of handling two posts at a time, (that is, of the Messenger & Night Watchman) and there was not a single occasion when the workman was found guilty of any kind of misconduct whatsoever, there could hardly be any necessity, far less a compelling necessity for holding an interview for selecting a person to man the



post of Night Watchman. In my view the Bank authorities have shown a scant regard for natural justice and fair play in not considering the case of the workman and regularising him in the post. Strangely enough management has not produced any document or correspondence relating to the interview which is said to have been conducted in 1989 and in which the concerned workman had also appeared as a willing candidate.

10. The workman claims that ever since 10-9-88 he is out of employment. There is no evidence from the side of management to indicate, even remotely, that after September '88 the workman is gainfully employed elsewhere. On the other hand, there is evidence that even after reduction of his emoluments the workman continued to serve the Bank. In the above circumstances, the possibility of abandonment of the job by the workman has to be ruled out. Conversely, this Tribunal is left with no option but to draw the inference of abrupt retrenchment by the management. It is but common knowledge that in the present difficult times a poor workman would think twice before abandoning a job in the Bank fetching around Rs. 1000 per month. That apart, if abandonment of the job was ever intended by the workman he would not have taken shelter in this Tribunal. Mere delay in approaching the Tribunal by itself cannot constitute proof of abandonment. Conclusion is, therefore, inescapable that employment was refused to the workman and hence this litigation.

11. To sum up, intervention by the Regional Manager resulted in abrupt reduction of emoluments, and then reduction was followed by refusal of employment. Then came the interview which resulted in the appointment of some one other than the workman. The above sequence of events speaks enough for itself and presents a grim picture of the administration prevailing at the level of one of the most leading Banks of the country, namely, the State Bank of India. The settled principle that practical experience is a sure guide to assess suitability has been over looked by not selecting the workman.

12. In quiet a number of decisions the Apex Court have laid down the principle that casual employees or daily rated workmen who have worked uninterruptedly for a considerable length of time are entitled to be regularised. 1990 L.L.J.(I), 321 is cited on behalf of the workman in support of the

contention that ordinarily three years service, ignoring short breaks created by the employer, would be sufficient for regularisation of a daily rated workman. Instantly, the concerned workman satisfies the above requirement and is therefore entitled to be regularised. His retrenchment without assigning any reason does not hold good in the eye of law. It is not known for certain whether the interview conducted in 1989 was meant for selecting a candidate for the post of Night Watchman on regular basis or temporarily. Either way an obligation is cast on the management to regularise the services of the workman in the post of either Messenger or Night Watchman. Non-availability of a vacancy at present should not stand in the way of regularisation because of the exceptionable past conduct of the management. Either the management may create a post or alternatively the workman should be allowed to continue as a casual employee and to receive the salary of a Messenger as before till a regular vacancy arises in due course.

13. As for back wages, it is the admitted position that consequent upon his retrenchment the workman kept silent and did not agitate the matter for over two years. In my opinion, any direction for payment of back wages for the period of inaction on the part of the workman would be an avoidable and unnecessary burden on the Bank's exchequer. Therefore, the claim for back wages has to be turned down.

14. In conclusion, therefore, the first party management is directed to re-employ the workman and maintain the Status Quo (as on 9-9-1988) with effect from the date of such re-employment. The reduction in emoluments from June '88 to 9-9-88 being arbitrary and illegal; Management is further directed to pay to the workman for the said period @ Rs. 1,011.80 paise per month minus the amount already paid. The above directions should be carried into effect within two weeks from the date of publication of this Award. From the date of re-employment the workman shall enjoy all service benefits that attach to the post he holds, irrespective of whether the post is created or his regularisation waits till a vacancy arises.

15. The reference is accordingly answered.

Dictated & corrected by me.

P. K. PANIGRAHI, Presiding Officer

